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CALENDAR

OF THE

STATE PAPERS

RELATING TO

IRELAND

PRESERVED IN

THE PUBLIC RECORD OFFICE.

Vol. II.

1663—1665.

EDITED BY

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PREFACE.

THE documents calendared in this volume commence in January, 1663, and end in December, 1665. They begin six months after the passing of the Act of Settlement of 1662 and end with the passing of the keenly opposed Act of Explanation by which the Statute of 1662 was amplified and amended. The controversies which raged round the Act of Explanation were long and violent and they go down to the foundation of the political structure of Ireland in the period following the Restoration. It is difficult to state in a single sentence what was the subject of these controversies; but, to put the matter in its simplest form, one may say that the Act of 1662 failed to satisfy competing claimants for landed estates in Ireland, and that the Act of 1665 was an attempt to do what its predecessor had not done. The general tendency of the Act of 1665 was to pay less respect to the claims of the Cromwellian settlers than the Act of 1662 had done, and, by curtailing their estates, to make room for the various persons who, either as nominees of the Crown or as found "innocent" by the Commissioners of Settlement, had a claim to restoration. The clearest indication of this tendency is found in the strenuous opposition which the members for the adventurers' constituencies offered to the Bill when it was passing through the Irish House of Commons in December, 1665. The final scene in the Lower House is vividly described by Sir Winston Churchill in a letter[1] written to Lord Arlington after the great fight was over—"the members confronting each other with swords half drawn, and with words sharper than they; some being heard to say that the lands they had gotten with the hazard of their lives should not now be lost with

[1] P. 699.

Ayes and Noes." Churchill's letter may be taken as a comprehensive description of the state of affairs in Ireland during the period of this volume. The labour and patience of Ormond, the knowledge and experience of the Irish Privy Councillors, the talents and resource of Sir William Domvile were devoted for three full years to the land question. One of the first despatches in the volume[1] shows that the Bill of Explanation had been drafted in Dublin and despatched before the commencement of 1663, for amendment by the Privy Council of England. But when it was returned it did not satisfy all parties, for the simple reason that it could not do so. Even had there been no special favours by Royal Warrants to Court favourites, the amount of land at the disposal of the Government was not sufficient to meet the various aspirants who had manifold and diverse claims. The King was not in 1661 and 1662 firm enough on his throne to disregard altogether the rights of the Cromwellian settlers; but as time went on and he felt himself more firmly in the saddle, and as French and Roman Catholic influence became paramount at his Court, the respect with which he treated the claims of those "who had got their lands by the hazard of their lives" in fighting against the Irish confederates gradually diminished. Sir William Domvile's arguments—framed with all his great ability and based no doubt on a profound knowledge of the Irish question of the day—shewing that the adventurers had been overpaid with land, found ready listeners in the English Council where, with Ormond as their assessor and assistant, the King's Ministers were at work upon the new bill. When it was at length framed and sent off to Ireland in the autumn of 1665, it was found to provide for a legal diminution of the adventurers' and soldiers' claims so as to make room for Royalists and "innocent Irish." But the swords which were half drawn in the House of Commons on that winter evening in

[1] Kingston to Bennet, p. 8.

1665 went back to their scabbards. The Act of Explanation passed the Lords without a dissentient voice and received the Royal Assent on the 23rd of December. How far it succeeded in the objects for which it was devised the documents to be incorporated in the succeeding volumes of this calendar will show.

When the year 1663 opened, the Commissioners of Settlement were at work in Dublin sifting the claims of Cromwellians and would-be "innocents." A large proportion of Irish claimants were being found innocent, and were therefore to be restored to their estates. "If the lottery would so hold out to the end of their commission," wrote Ormond,[1] speaking of one of their day's work, "it would prove no ill one for the Irish." The decrees of innocency were resented by "the English interests," and Coventry, one of the Commissioners, wrote[2] to Bennet that any act of justice was regarded as "an unheard of crime in this land" and was sure to lead to complaints. The adventurers were especially frightened by the knowledge that a bold attempt was being made to secure for Secretary Bennet the Clanmalier estate in the King's and Queen's Counties on which many of them were settled. The Commissioners, possibly under orders from Ormond, insisted on very good evidence being produced on the part of Cromwellian claimants, and this action was joyfully approved by an anonymous Catholic writer of the day.[3] The Irish Parliament, called in 1661, which was still sitting, and in which the adventurers and soldiers held a majority, took alarm and drew up proposals for presentation to the Lord Lieutenant. They were presented on February 13 by the Speaker, Sir Audley Mervin, to the Lord Lieutenant, and that loquacious officer took the occasion to amplify them in a speech full of the rhetorical flourishes in which he excelled, and some notes of which are preserved.[4] The Commissioners, he said, had a difficult task and their decisions rested

(1) P. 9. (2) To Bennet, p. 11; *and see* Ormond to the King, p. 18.
(3) P. 16, par. 8. (4) Pp. 22-27.

on "a hotch-pot of law and equity which made them both judges and jurors." But they had been too summary and the Lord Lieutenant was asked to give them directions, as he had power to do, with a view to securing fair treatment for the Protestants. A letter from Secretary Bennet to Ormond[1] shows that the King was determined to pay little respect to Protestant agitation in the Irish House of Commons, and on 28 February he wrote to the Commissioners, one of whom, Henry Coventry, was at Court to represent their case, bidding them do their duty regardless of any threats which might be uttered against them.[2] The Protestants were, however, determined to fight out the question. Early in March they published their address to the Duke of Ormond. On the 9th he answered with a sharp rebuke. It was about the same time, too, that he first received a hint of a plot[3] to seize Dublin Castle, and his own person in it, which was frustrated rather by fortunate accident than by treachery on the one part or vigilance on the other. But the plot was the work of some extreme[4] men on the Protestant side who were either discharged officers or discontented tradesmen. There is no evidence that the members of the House of Commons were to any large extent implicated in it. They formally condemned it on March 11 when they answered the Lord Lieutenant's rebuke with a short and dignified message.[5] Ludlow was believed to be in, or about to come to, Ireland[6] and to have instigated the rising, using the alleged injustice of the decrees of the Court of Claims as a means to excite the Republican settlers. The action of the extreme party seems to have frightened the moderate Protestants, who wanted justice by legal means, but opposed measures of violence. Through the early months of 1663 the work of the Commissioners went on apace, though hampered by the absence in London of Coventry, which reduced their Court to the even number of

(1) P. 29. (2) P. 31 *and see* p. 32.
(3) For references to this *see* Index *s.v.* Plot.
(4) P. 37. *Anon.* to Vernon. (5) P. 37. (6) P. 97.

six. A legal difficulty, too, arose as to the manner of executing the decrees. Several of the Sheriffs refused to enforce them unless directed to do so by "conjunction out of the Chancery or Court of Exchequer." The Lord Lieutenant was given discretion to act as he thought best in this difficulty; but in May and June we hear no more of it, and the Duke's despatches are chiefly concerned either with the deficiency of the revenue and difficulty of paying the army, or with the unravelling of the abortive plot to seize Dublin Castle.

England was at this time drifting into foreign complications, and the government feared that they might give an opportunity to the discontented Protestants in Ireland. Ormond pressed constantly for money to pay the army and for "a stock to make it more."[1] Early in April stringent measures had been taken to get in the quit-rents due to the Crown and the revenue from the inland Excise, in returning which the farmers and collectors had been very remiss. In the same month warm debates on the necessity of enforcing the English Anti-Catholic laws in Ireland took place in the Commons which, as Ormond said,[2] "is as hot as the English against Popery"; but in the end it was decided not to do so. The Commons, realising the growth of reactionary influence at Whitehall, felt that their actions were likely to be misrepresented there. A resolution to the effect that certain of their members should form a Committee at Court, and should go to London and remain there in order to vindicate the House on all occasions, was almost passed. The Lord Lieutenant was kept busy during these months in watching at once over Parliament, the Commissioners of Settlement, and the army; and it was only on rare occasions that he could get a short holiday, as he did in the second week in May, to see a horse race twenty miles away from Dublin.[3] The constant intrigues at Court against him,

[1] P. 51. [2] P. 65.

[3] P. 87. Perhaps at the Curragh, where racing was certainly started at this time. *See* Rawdon to Conway, 13 January, 1666, to be published in my next volume.

which ultimately led to his recall, were already afoot, and there is reason to think that the mind of Bennet, the King's favourite Secretary of State, was being poisoned against him. Roman Catholic influence was of course growing at Whitehall; but it does not appear from the evidence in this volume that the Lord Lieutenant and Council were committed to a strong Protestant policy, or anxious to support the House of Commons in a renewed attempt to enforce Anti-Catholic laws in Ireland.[1] The plotters who had suspended their efforts early in the year were at work again in May, and before the 16th of that month Ormond's spies had told him that they had concerted a plan to surprise Dublin Castle on the 22nd.[2] Before that date the Viceroy, who allowed the scheme to ripen to the last moment, struck suddenly at the conspirators. They had got wind of his preparations, and it seems that at the last moment their courage failed. But Ormond took the offensive. On the 21st of May, Parliament, which was to meet on the 25th, was prorogued till July 21, and on the same day the Government issued a proclamation denouncing the conspiracy and ordering the Presidents of provinces, sheriffs and mayors to arrest all who had a hand in it. On the morning of the 22nd twenty-four persons were arrested in Dublin, and we notice in reading the first list of their names[3] that they are all thoroughly English. "Their design was forwarded by the Commissioners' proceedings,"[4] said Colonel Vernon; and the restoration of the Innocent Papists or Royalists seems certainly to have been the cause of it. The plot failed, but it had been an anxious moment for the Government. Colonel Vernon did not believe that there were four troops in Ireland on which entire reliance could be placed, and declared that if the 180 horsemen whom the plotters had intended to muster had assembled in arms on May 22nd, they must have defeated any mounted force the Lord Lieutenant could bring against them.

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(1) *See* pp. 91 and 92. (2) For reference *see* Index, *s.v.* Plot.
(3) *See* p. 99. (4) P. 98.

Further arrests were made in the last week in May, but from the first there was a lack of good evidence against the plotters. A witness named James Turner was found, and his deposition, taken on May 31 before the Lord Lieutenant, was sent to London. The witness does not, however, seem to have been cross-examined, and his evidence consists largely of material which would not now be admitted in a court of law.

For some weeks the Government endeavoured to make further arrests; but many of the confederates had escaped to England or Scotland. The Crown therefore decided to bring the chief conspirators at once to trial. Early in July[1] Colonel Warren, Captain Thompson and Mr. Jepson or Jephson, member of Parliament for Trim, were tried and convicted of high treason. Lacky or Lecky, a Nonconformist priest, was also convicted, but escaped sentence for a short time on the ground of insanity. The Lord Lieutenant was anxious to prosecute a further batch of the men under arrest, but was held back by his law officers, who did not think the evidence in hand was sufficient to secure a conviction. The prisoners were sure to be well defended and every point would be raised which could be to their advantage. At the same time Ormond was very anxious[2] to arrest Stephen Charnoke, formerly chaplain to Henry Cromwell in Ireland, who had left it before the arrest of the conspirators. His researches led him to think that Cromwell was at the bottom of the plot, that if it had succeeded he would have come to Ireland to lead an insurrection, and that Charnoke knew of this intention, and had sent money to the conspirators from England. Before June 14th no less than 70 persons were under arrest in Dublin and on the 25th a sudden house to house search for arms was made in the city of Dublin by simple order[3] of the Lord Lieutenant—a proceeding which, he afterwards

(1) Vernon's letter (p. 121) places the trial earlier, but though its date 6 June is clear in the MS. I think it must be of a later date. *See* Lane to Bennet, p. 148, and Vernon to Williamson, pp. 157-8.

(2) P. 125. (3) Pp. 186 and 154.

admitted, could not be justified as legal. The trial of the first plotters occupied some days. Lacky was convicted on July 1st, and Thompson and Warren were convicted on or before the 7th and on that day sentenced to be hanged, drawn and quartered. Lacky was not certainly insane, but he had, it was said, "saved the judge and the executioner"[1] by knocking out his brains in prison. On the 16th Warren, Thompson and Jephson were hanged on Gallows Green amidst a large and excited crowd, wherein the vague rumours of a rescue begot a sudden panic. A vivid account of the execution sent to England by Robert Lye is preserved.[2] It does not entirely tally with Sir George Lane's description,[3] but bears unmistakeable signs of having been written by an eye-witness. Lacky, who had not committed suicide, was kept under arrest till November, when he broke prison, but was recaptured and sentenced to death.

The discovery of the plot strengthened the hands of the Government, and the Irish Privy Council proceeded with the Bill of Explanation, moulding it so as to amend the Act of Settlement in favour to the Royalists and Irish. The adventurers, fearing for their estates, began to discount its effect by making bargains with the old possessors, and Ormond, whilst the Council was at work on the draft, set himself to discourage this "scandalous traffic" as far as possible. But there must have been a considerable number of men in the Council who were interested in the defence of the adventurers; and as the Commission of Settlement[4] was divided into two parties so, we may fairly conclude, was the Council. After months of work August found the Bill still in disconnected fragments, and the Council not resolved as to what it must contain. The King, who left London on 15 August for Tunbridge, was anxious to see the draft, and Secretary Bennet promised[5] that when sent it should be promptly returned

(1) P. 167. (2) Lye to Williamson, pp. 176-7.

(3) P. 158 and for further reference *see* Index *s.v.* Explanation.

(4) P. 48 and p. 281. As to the work and difficulties of the Commissioners of Settlement, *see* the references in the Index *s.v.* Commissioners.

(5) Bennet to the Lord Lieutenant, p. 208.

by the English Privy Council. In this month the work of preparation came at length to an end, and the Lord Lieutenant and Council despatched the draft measure to London on 9 September. "How prudent soever," they said, "the endeavours and consultations have been of His Majesty and the Lords of His Most Honourable Privy Council, yet it is not possible any human wisdom could foresee all particulars that must necessarily occur in so great and universal a work, but that some things must be needful to be added when the resolutions first taken came to be put into execution." They accordingly sent their draft Bill which was designed, as its title stated, for the purpose of "explaining some doubts in the Act of Settlement and for making alterations of and additions" to it for the sake of more speedy settlement.

The scope and object of the Bill as transmitted was explained[1] by Sir William Domvile ten days after it had been despatched. Its general tenor would be to relax the strictness of the rules which compelled the Commissioners to find the Irish and Royalists "nocent" for merely trifling acts of disloyalty, or for having lived even for a short period and at the beginning of the rebellion in the Irish quarters. Such persons had, he said, in many cases acted under the compulsion of the Confederate tyranny, and had early escaped from it, returned to loyalty and helped the English. These men, said Sir William—men like Lord Dunsany and Sir Thomas Sherlock—"may be thought more fit to be restored to the ancient seats of their honours and families than that tinkers and cobblers should possess their lands" whilst they themselves retained merely their empty titles. The rules under the existing Act had been so framed that innocent people could be condemned as nocent, whilst guilty people could, by perjury or forgery, escape as innocents. The Commissioners of Settlement, he added, had often been baffled by conflicting evidence, "for we have plenty of evidence to swear

[1] Pp. 236-241.

to the nocency and innocency of the same person at the same time." Consequently he proposed to abolish this classification and to vest all sequestered lands, with certain exceptions, in the King, and to restore these lands to such persons only as should be named by the Lord Lieutenant and six members of the Council. The Commissioners of Settlement were still to exist for the purpose of trying persons who claimed to be "reprisable," or deserving of compensation when their newly acquired lands were taken from them; but the questions whether a man was to be restored at all, and whether, if restored, he was to be restored specifically to his own lands or not, were to be left to the Lord Lieutenant and his immediate advisers.

As to the amount of land which was of avail for the purposes of reprisal, Sir William Domvile calculated that it would amount to something like 1,200,000 acres.[1] This was composed of 400,000 acres—or one-sixth of the allotments to adventurers, which some agents[2] acting for them had offered to concede. To these were added the lands in the King's hands which he had only given away *in custodiam*, lands confiscated from the followers of the Nuntio (to whom Charles II. owed no gratitude) and from other persons whom Cromwell had transplanted into Connaught and co. Clare, but whose property had not been allotted. The government, too, proposed not to respect the Doubling Ordinance of 1643; and those who had invested under it were only to have the value in land of the sums which they had actually advanced. In these ways the amount of 1,200,000 acres was made up.

Sir William Domvile explains in detail the manner in which this stock of land was to be distributed[3] and he seems to have thought that the measure could be passed through an Irish

(1) P. 289.

(2) I have no clue to discover who they were. The undated documents on p. 708 *seq.*, which are placed at 1665, as that is the date of the Act, bear upon this suggestion.

(3) *Ibid.*

House of Commons in which the adventurers and soldiers held a majority. The position in which the Cromwellian settler now stood was that, should the Act pass, there was a danger that the man whom he had supplanted six or seven years ago might be certified by the Lord Lieutenant and Council for restoration. If this were done he would have to give up his lands and take his chance of making good a claim to "reprisability" before the Commissioners of Settlement. But even should he succeed in making good this claim he would have, in getting reprisal, to submit to the loss of one-sixth part of his lands, and must indeed suffer that loss whether he was moved at all or not. In order to make the Act palatable to the adventurers and soldiers it was provided that no one of them who appeared to be reprisable should be removed until he actually had reprisal lands set out to him in possession. The Crown had half a million of acres in stock wherewith to make good this promise in the first cases that came on, but Sir William Domvile believed that when once the question of reprisability came to be tried before the Court of Claims, the investigations would result in the recovery of large amounts for the Crown. Many thousands of acres had, he believed, been dishonestly obtained by the adventurers and soldiers, by forgery of debentures, perjury before the Cromwellian Commissioners of Claims, false admeasurement of lands, assignments from the Regicides or men who had been of the guard of halberdiers at the execution of Charles I. If all such frauds could be discovered and dealt with in the proper manner and if, in general, claims for reprisal were carefully investigated before being allowed, the land in hand would, thought Sir William, suffice. He ended his long despatch with a supplication for two special *bonnes bouches* for himself; one of these, in characteristic fashion, is represented as really a sacrifice in the interest of the Dean and Chapter of St. Patrick's, Dublin, whilst the other "small concern of mine" is not described.[1]

[1] As to the first concession, *see* the private Act 17 and 18 Car. II., cap. 4, passed specially in Domvile's favour, and not printed in the *Statutes at Large*. As to the second, *see* the grant on p. 279.

Followed by this despatch the Bill of Explanation went to London early in September. When sending it, the Lord Lieutenant and Council asked that it might be speedily returned, but though Sir Henry Bennet had let them hope for a quick remission the draft did not reach Ireland again for two years. Lord Orrery from the outset foretold[1] that it would be unpopular in the Commons, and the adventurers were even now showing their dislike of the Court of Claims by disputing the right of the Commissioners to give decrees after the 1st of July, 1663, the date at which, by the Act of Settlement, their powers lapsed. Petitions against the bill, and probably against the decrees made after 1 July, had already reached the Lord Lieutenant, who turned them over to the Irish judges; but these, who, I may notice, were out on circuit in September, were reluctant to give opinions on points of law which might possibly come before them in their judicial capacity. On October 2 the Commissioners issued rules for procedure in their court, but as Rainsford was ordered to England on the 6th, we may presume that their work was suspended for the moment. Colonel Winston Churchill thought the bill went too far in favour of the adventurers, and urged drastic amendment[2] in London. In his view the Act of Settlement and the adjudications made under it were simply a machinery for uprooting the Cromwellian interest in Ireland. For this object, he said, it was desirable to restore the three great Irish Royalist Earls, Clanricarde, Antrim and Clancarty, and put the towns in loyal Royalist hands. The bill as it stood contained, he thought, the maximum of concession that should be made to the adventurers and soldiers, and when about 20 October the Lord Lieutenant sent over some supplementary clauses Churchill denounced them as "more than downrightly unjust[3]"; and Sir Richard Rainsford and Sir Thomas Beverley who went over with them would, he hoped, provide adequate arguments for opposing them.

On the 29th, Sir William Domvile sent a second long despatch to Bennet, in which he again dealt with the

[1] To Bennet, p. 242. [2] P. 248. [3] P. 255.

Bill and expounded its policy. The Irish, he said, were no doubt in some cases notoriously guilty, but they could not be judged by classes or fixed rules or qualifications and did not deserve to be thus placed in classes. All who had been "borne down in the stream of that common apostacy" should not suffer. The adventurers, on the other hand, had given good consideration in money for those lands, ill as it had been spent by the agents of the usurper who had received it. He would begin by restoring all Royalists whose restoration would be for the safety of the kingdom, and would then give the remaining lands to the adventurers and soldiers.[1] These latter, if judged by the rules in the Act of Settlement—rules made with their own consent—would, he thought, be found in the majority of cases to be undeserving of satisfaction or reprisals. The present claimants were but in few cases original investors. Most of the claims were by purchasers, or assignees whose assignments had in many cases been obtained by questionable methods. He gave as instances of these methods the transactions of Cromwell's Judge-Advocate, Whalley, and John Blackwell, of Mortlake, who, he declared, had been greatly overpaid[2]; and he showed by an elaborate argument that the supplementary amendments sent by Ormond were hard upon the Crown and the Irish. The Lord Lieutenant on the other hand wrote on November 16[3] that if the bill were amended to the disadvantage of the adventurers and soldiers, it would not pass the Irish Houses of Parliament. Although the draft had gone over in September, it was not apparently brought up for discussion in the English Privy Council till the last day of November. From a long dispatch[4] of the Lord Lieutenant in its defence we may infer that both he and his measure were severely criticised in London during these two months. The King was angry at the difficulties which the Restoration settlement in Ireland encountered, and bored by

(1) P. 269. (2) Pp. 270, 271 and *note*. (3) P. 289.
(4) Pp. 310-314.

the constant applications of the Irish Privy Council for fresh legislation. It is not unlikely that there were councillors who advised him at this time that the claims of the rival parties to land in Ireland should be settled by some act of prerogative, and not by the tedious agency of Parliamentary legislation. At all events Ormond thought it necessary to vindicate the legislative method, and to declare that the bill, if passed, would solve the difficulties with which he was confronted. The root of the evil lay, he said, in the fact that King Charles I. had not been able to suppress the insurrection of 1641 out of his own resources, but had had to promise the lands of the insurgents to his own loyal subjects, in order to enlist their services and to confirm that promise by Act of Parliament. The Republican Government, when it took over the Irish question, had continued and increased these promises, and the fulfilment of them had led to the present difficulties. At the same time Ormond did not quarrel with this policy. When the insurrection broke out in 1641 two parties had been formed. Both of these had been opposed to the Crown; and there was not in Ireland, as in England, any considerable body of men upon whom the King could rely. Loyalty and service had to be bought with land; and Ormond had carried on the war on that understanding. The consequence was that while at the Restoration there were no persons in England who occupied the estates of others by Act of Parliament, there were many such in Ireland. Though those who possessed lands under those acts had not demanded a guarantee of their estates as the price of their consent to the restoration, they might very well, thought Ormond, have done so. In fairness or honesty they could not now be expelled.

The difficulties in Ireland were, he said, much greater than they were in England or Scotland; and that, to put it shortly, was the reason why the peace and quiet which prevailed in those countries had not settled down upon Ireland. It may be added that great as was the number of private friends or

favourites who asked for special rewards in England, there was a relatively much greater number of such persons in Ireland. The text of this and the previous volume of this Calendar teems with petitions for lands, charges, posts, preferments or rewards of one kind or another. The grants entered in the Signet Book, which are thickly scattered through these pages, show how generously they were answered. To any man who now reads the documents it must be obvious that so long as this system continued no legislative remedy could succeed. Ormond thought, however, that if the difficulties were fairly faced, the Act of Explanation might do what was wanting—give a measure of justice to each man, and above all things—justice or injustice—give finality. He answered the carping critics and lying slanderers who endeavoured to traduce him at Court with his usual dignity and with perfect good judgment. If he had given positions of trust to persons who had once been against the Crown, it was because he thought it needful to show himself ready to forgive old faults and to unite in the King's service all persons of merit. That he had "a faulty unwillingness to displease anybody" was a charge which those who brought it knew to be false. They knew it by "the disappointment of their own unfit pretensions" which were, in truth, the cause of their angry calumnies. His aims had been to adhere to the King's engagements to all parties, but to do so strictly, so that none should benefit by them but such as had a good title; to distribute the King's favours to the Irish with care, restoring first the nobility and ancient gentry who were not obviously unworthy of it, and that at as little charge as possible; and to do all these things as little as possible upon trials and proofs. Trials were, he said, expensive, led to perjury and corruption, and left upon a losing litigant a stigma which aggravated his material loss.

In Ormond's despatches of the moment we see not only a clear presentation of his own views, but also, as if by reflection, a picture of the views of the courtiers who were opposed to him and who ultimately secured his dismissal. His despatch

of 9 December, 1663, must have been read by Sir Henry Bennet with some qualms of conscience—if he had not already dispensed that commodity. It was distinctly intended as an answer to the charges and intrigues of men like Churchill and Vernon, who were Bennet's secret agents in Ireland, but with whose character Ormond was probably well acquainted. Unfortunately the documents in the volume show us very little of what was going on at Court. Only a few copies of Bennet's letters have been preserved in the Entry Books; and in his official letters that politic statesman was naturally unlikely to let his true views be seen. His letter of 12 December shows, however, that the Council had resolved before that time to discard the draft sent by Ormond in September and to start afresh by giving instructions to the Commissioners of Settlement to draw another bill, which should be revised by the English law officers. The Act of Settlement, the draft of September, the rival draft presented by Beverley and Rainsford, and various other documents were to be used in this process. After informing Ormond that the bill on which he had spent so much time was thus to be discarded, Bennet added—probably with his tongue in his cheek—that he thought "people at Court were rather too officious in criticising him."[1]

Whatever may have been the opinion of Bennet, Charles was still loyal to Ormond, and the Lord Lieutenant's letter of 29 December[2] shows that he received a speedy assurance of that fact. In this letter he adheres to his view that the difficulties in Ireland could only be solved by legislation. Any other remedy, he clearly indicated, would have to be imposed by force. He also raised a novel constitutional point —that if the amendments to the draft of September were such as to make a new bill of it, then its preparation by the English Privy Council was *ultra vires*. An Irish bill could not originate in England, and it was highly dangerous to play tricks with the constitution at the time when there was no

[1] P. 315. [2] Pp. 322-4.

force in the kingdom that could take a single fortified place if the malcontent English chose to seize it. Much more dangerous would it be to impose rules of settlement which had not obtained the consent of the Irish Parliament. It would be impossible to carry out such a policy without force. Even before it was suspected, an army of at least 3,000 men from England must be landed on the Irish coast. Whilst thus pressing the claims of the Cromwellian adventurers and soldiers, Ormond was careful to assert that he had been tolerant to the Roman Catholics and the "fanatics" or Non-conformists. He hesitated to put the law in motion against them both, because it would "rather discover than make enemies" and because it would let loose upon the recusants the avarice and knavery of inferior officers, civil and ecclesiastical." He did not regard the religious differences of Irishmen as the main cause of their discontents.[1] But if the Irish Parliament was to be disregarded, force must be used, and force, sufficient force, could only be had by reinforcements from England. In making this suggestion Ormond knew[2] well how great a risk he was running. He had enemies at Court who might denounce him for that very crime against Ireland, which, when attempted against England, had brought Strafford to the block—the crime of wishing to import foreign soldiers in order to overawe a free Parliament. But he put the necessities of the case before the Crown in their nakedness, and let Charles see clearly whither his courtly advisers, with their stupid and cringing optimism,[3] might take him.

Late in 1663 the Bill of Explanation was removed from the Privy Council and recast by a committee of their body and the Commissioners of Settlement who were in London, with the help of the English law officers. A letter from Sir Henry Bennet[4] shows that Lord Clarendon, who was at the moment recovering from illness, watched their work. At the moment we notice that the special grants in the Signet

(1) Pp. 323, ll. 5-8.

(2) P. 350. (3) P. 349. (4) P. 321.

Book are very numerous and large,[1] and it looks as though the King's friends, fearing the result of the Bill of Explanation, were determined to secure their rewards before it passed. On the 26th, the Commissioners were reported to have finished their work, but the news that they were practically recasting it "not a little wounded" the Protestant settlers,[2] and the breach in spirit of the provisions of Poynings' Act, which required that Irish bills should originate in Ireland, was already being made an argument for the rejecting the Bill when it returned from London.

Throughout the early months of 1664, Ireland waited for the long expected bill. Ormond was troubled by Puritan influences in the army, and by the intrigues of Nonconformists and Roman Catholics. At the end of February he sought powers to "reform" certain officers whom he suspected of Puritan leanings. Early in April he heard that the bill was "in a fair way of despatch" and he had at this time already received instructions to send over a list of such Irishmen as he deemed fit to be named in the bill for restitution. Later in the month he was told that the bill as settled in England would be sent to him for revision, and asked[3] that when he had drawn his amendments to it he might have leave to go to England in order to explain them at Court. At the same time he was preoccupied by the agitation[4] of the adventurers against decrees in favour of innocent Papists made by the Commissioners of Settlement after July 2, 1663. Those who had benefited by these decrees wished to maintain their validity, whilst the adventurers and soldiers, who stood to lose by them, protested against it. The argument turned on the exact provisions of the Act of Settlement, and of the Act of Periods which enabled the government to extend the periods mentioned in the main Act, and on the precise

[1] £1,000 a year *in custodiam* to Sir Henry O'Neale, December 17. The lands of Ballintober to Robert Lye (Arlington's agent), *ibid.* A large grant in Limerick to the Earls of Roscommon and Orrery, *ibid.* £2,000 a year to Lord Fitzharding, 28 December.

[2] Orrery to Bennet, p. 848. [3] P. 889. [4] Pp. 891-894.

significance of the action taken by the government or of the decrees made by it under the latter Act. It would, of course, have been a critical question if the Bill of Explanation should be thrown out in the Irish house, but, as things turned out, that bill, when passed, revived and continued the powers of the Commissioners; so that the dispute was not of lasting importance. On May 6, the Duke of Ormond was licensed to come to Court and to appoint a deputy in his absence, and the confidence which the King reposed in him is shown by the latitude given him in the licence[1] either to come over or stay in Ireland according as he might find the journey tiresome or needless. There is no evidence in the papers to show the exact date on which the Lord Lieutenant crossed, but from collateral evidence[2] one can say that his departure must have taken place in the last days of May. A few days later Orrery travelled over to cultivate friendships at Court, and, as soon appeared, to make fast friends of the King and of Sir Henry Bennet.

It was nearly a year and a half before the Duke returned to Dublin. During that time he was living either at Chelsea or at Moor Park, near Rickmansworth, and constantly coming up to London to assist in the work of drafting the long promised bill. On July 4 the Commissioners of Settlement and the Solicitor-General (Sir Heneage Finch) met at his lodging, but they appear to have been more busy rather with the question of the validity of their later decrees than with the preparation of the bill. A month later[3] we have again one of the exhaustive despatches from Sir William Domvile dealing with the Act of Settlement, which not only throws strong light upon the policy of the government at the time, but shows him to have had the most complete comprehension of its problems, and the most distinct and practical views for their solution. This despatch is, I think, the most important in the volume, and I offer no apology for publishing a very full abstract of it. According to Domvile the

(1) P. 398. (2) Pp. 408 and 407. (3) August 10, p. 415, *et seq.*

question at issue was how to find lands to restore the Royalists and innocent Irish, and he believed, as I have said before, that this might be found without going back on the general terms of the Act of Settlement. He had, he said, heard of proposals being sent to London by the adventurers to the effect that on the one hand all lands given by the King, since 1660, by private warrants and provisions or letters, should be taken back, and that on the other the adventurers and soldiers should give up one-sixth part of their lands or so much more thereof as should be necessary to make up the "stock" required for reprisals. In return for this concession the adventurers and soldiers were to have full and final confirmation of their lands by Act of Parliament, without any further scrutiny. Sir William strongly opposed such a confirmation of possessions. They could easily be shown in many cases to be illegal under the qualifications of the Act of Settlement, as having been obtained by perjury, by forgery of debentures, by false admeasurement, by the use of the Doubling Ordinance, without payment of sums legally demanded, and by various other means.[1] Let these titles be only fully examined, let the adventurers and soldiers be given their due, but not allowed to keep more than their due, and there would be enough recovered from them to satisfy all restorable Royalists. This argument he developed with much elaboration, showing that the resources of Ireland, if carefully husbanded, might give fair satisfaction to the adventurers and yet recover for the Crown a vast quantity of land. Turning to the case of the soldiers who were in 1660 possessed of about 1,900,000 Irish acres as against 700,000 set out to the adventurers, he said that about 640,000 Irish acres had already been taken from them by the Commissioners of Settlement; but he showed that they also had originally got more than their due. They had no right to have payment in Irish acres, and if they had been paid in English, nearly 1,200,000 English acres which had originally been given them would now be in the King's

[1] P. 417.

hands. There were other good and legal reasons,[1] too, for taking away portions of their lands, and Domvile finally computed that if the King adhered to the rules of the Act of Settlement he could recover from the soldiers over half a million English acres, and that too under the law, which, by an old maxim, cannot injure any man.[2] As for the idea that the King should confirm the adventurers' and soldiers' lands without further question, it could be entertained only on one condition, viz., that they should give evidence of their loyalty by "advancing" such a portion of their lands as would "suit his intentions," and thus show that they paid more regard to the public sentiment than to their own fortunes. No penalty, he said, was laid on any adventurer or soldier who had paid in his full sums, returned particulars of his estates within the time limited in the Act of 1662, and made the payments which it prescribed.

During the remainder of the year 1664 we have no record, so far as the Irish State Papers are concerned, of the proceedings with regard to the Bill of Settlement. The commencement of the Dutch war no doubt occupied the Privy Council, and Ormond and his Irish friends or enemies were left alone to formulate its provisions in conference. It is not till January, 1665, that we find further trace of their proceedings. On the 21st of that month the Lord Deputy and Council, acting on instructions from London, respited the payment by the adventurers of the second half of the year's value of their property which they were liable to make under the Act of Settlement. The discontent caused by the delay of the bill was very great, and the anxious adventurers and soldiers—not to mention the old disloyal Irish—were excited[3] by the fact that England was once more engaged in a desperate conflict with the Dutch. Lord Conway's agent was secretly making lists of men able to bear arms, and thought that in the settlement in Killulta there must be near 1,000 who could do so.[4] The arms in Carrickfergus were

[1] P. 421, and *see* for the whole calculation, pp. 421-422.
[2] Pp. 422-428. [3] P. 558. [4] P. 588.

repaired and in Tyrone and Fermanagh police measures amounting almost to warfare had to be taken to repress discontent.[1] In March, even Sir William Domvile,[2] who had the coolest head in Ireland, felt anxious about the country. "We live in an island," he said, "and the Dutch are numerous at sea and may surround us on all parts; and it will be advisable to have His Majesty's inland army well supplied, that they may be in a readiness to move upon all occasions." When transmitting a bill for subsidies to London in March, he mentioned the fact that the Bill of Explanation was not yet returned, and said that whilst most men were as yet unsettled in their estates, the House of Commons might be unwilling to grant money. He now believed, however, that over a million acres of profitable land had been set out to the adventurers and soldiers as unprofitable, and that they had immense quantities of "concealed lands." These were recoverable under the Act of Settlement, and he urged that steps might be taken to assert the valuable rights of which the Crown had been unlawfully deprived. At the end of April the bill was once more before the full Privy Council, but a month later[3] there was a report in Dublin that it was about to be "cast into another model." The war meantime brought terrible poverty to Dublin. Trade was stopped, the passage from Dublin to Chester was dangerous owing to Dutch privateers, and "capers" from the Dutch ports were riding off the Western Irish coast waiting for the fleet from Barbadoes. Early in June the news came that the Dutch fleet was at sea with orders to fight the English wherever they met; and Irish politics and Irish trade stood still whilst that great contest was impending. "God grant us success," wrote Sir George Rawdon. "If anything fall out otherwise I doubt there are ill spirits in all the three nations ready for mischief." On the 14th of June the first reports of the Duke of York's victory of Southwold Bay on June 3rd reached Dublin, and news of a complete success speedily followed. On the 16th a great

[1] Pp. 542-4. [2] Pp. 558-4. [3] P. 582; Rawdon to Conway.

thanksgiving service was held in Christ Church. The Lord Deputy went thither with a numerous train, and "Halelujahs" were sung till eleven at night.[1] Ireland had indeed good cause to be grateful, for the Dutch cruisers patrolled her seas and made many captures of English ships which brought goods to Ireland.[2] The victory of June the 3rd, however, restored public confidence, and at Mullingar Fair, at the end of the month, oxen fetched a high price owing to the prospect of speedy transportation.[3] The Irish hay harvest, at all events on the Conway estate, was magnificent, and the hay was cut before June 20th.[4] The plague, too, which had commenced in England had happily not got abroad in Ireland; so that if the bill could only be sent to Dublin and passed there was some prospect of a return to normal conditions. At length, on August 5th, the Lord Lieutenant received the full draft of the measure from Sir Heneage Finch[5] and at once set out with it for Salisbury, where the Court had retired for fear of the prevailing infection. Orrery, who had acted as agent for the Royalist interests and for those of Arlington, crossed to Ireland on the 6th, and began at once to canvass for the bill.[6] During the following week the measure was read and approved by the King in Council, and on the 18th we find that Ormond, whose pass to Ireland is dated the 14th, had left Court and was at Bristol on his way thither. At Bristol he carried out directions from the King for strengthening the militia and composing an

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(1) P. 591. The battle was a desperate one, and some notable Irishmen were engaged. Lord Muskerry and Richard Boyle were killed by one shot, which struck so close to the Duke of York (afterwards James II.) that he was splashed with their blood. *See Calendar of S.P. Domestic* at 4 June, 1665.

(2) There is much evidence of this in the Domestic Calendar for the period, *q.v.*

(3) P. 602.

(4) "If it had staid longer the weight of grass could hardly have been carried off with a scythe, it is so mightily grown." Rawdon to Conway, pp. 601-2.

(5) P. 618.

(6) Pp. 621-2.

obscure quarrel which had arisen between the older and younger members of the Corporation as to their precedence.[1] Trivial as it was, it had paralysed the city organisation, and the militia, which Ormond reviewed when passing, were, he said, the worst soldiers he had ever seen. Having made some attempt to compose these differences the Duke moved on to Hynam or Highnam,[2] and thence to Milford Haven, which he left at six on the evening of the 2nd of September. On board his ship were the Duchess, her daughter-in-law the Countess of Arran, and Sir George Lane the Secretary to the Council of Ireland; but the Earls of Abercorn, Anglesey, and Inchiquin, Lords Mayo and O'Brien and a number of other notables crossed in other ships, whilst a separate vessel was required to take over the horses. At ten o'clock next morning the whole party arrived at Duncannon outside Waterford, and were met a league out at sea by Lords Ossory and Arran. They stayed for a day and night at Duncannon, where the witty governor, Sir Nicholas Armorer, entertained them hospitably, and no doubt merrily.[3] Thence they moved to Waterford and Kilkenny, where the Lord Lieutenant stayed for a short holiday, whilst the Bill of Explanation was being printed.

"That which looks most threateningly upon us is the poverty of the people," wrote Ormond, as soon as he had time to look around him. The misery of the nation created a deep impression on his mind. He was asked to pass bills through Parliament authorising taxes to supply the King's revenue; yet, even if he could do so, the people could not pay the taxes levied. And how could they get rich if Acts were passed in England which obstructed, or rather destroyed, their trade? At Michaelmas, 1665, landowners who got fifty per cent. of

(1) Index, *s.v.* Bristol: I can find no trace of this dispute in the local histories of the city.

(2) Colonel Cooke, one of the Commissioners of Settlement, had a property here; so Ormond may have been his guest.

(3) He was evidently very good company. *See* Index *s.v.* Armorer.

their rents were lucky. Either the bill for prohibiting the export of Irish cattle must be "taken off" or Ireland must have a subsidy of £30,000 a year. The proposal of such a subsidy cannot have been very welcome in England, where plague and war were raging, the monarch plunged in debt, and the monarchy not only impoverished but in discredit with the people; but its necessity, if the present system continued, was obvious. Meantime, however, much depended on the reception of the Bill of Settlement, and Orrery, lately returned from Court, was busy "engaging" the Munster members to vote for it in the House. At this moment, too, the news of Lord Sandwich's victory off the East coast[1] made amends for Admiral Teddeman's defeat at Bergen,[2] strengthened the hands of the Government and proportionably discouraged the adventurers and "fanatics" who had much to hope from its weakness.

About October 1st Robert Lye landed in Ireland with no less than eleven further bills to be passed through the Irish Parliament—enough, thought Ormond, to keep them busy for the rest of the winter; and though he hoped to pass them all he insisted on the difficulty of raising money. In the middle of the month he set out for Dublin, and arrived there on the afternoon of the 17th. Elaborate preparations had been made to receive him. He was met five miles out of the Liberties by a number of the nobility and gentry on horseback, and by "one troop of the bachelors of the town in drugget suits trimmed with abundance of scarlet ribbon, white scarfs, and their coats lined with silver buttons."[3] The King's guards also paraded in their buff and when the Duke entered the Liberties he found the sheriffs with several troops compounded of the corporations of the several trades, whilst within the gates the new Lord Mayor, Sir Daniel Bellingham, and aldermen awaited him on foot. The halberdiers under Sir Daniel Treswell and a number of companies of infantry lined the streets from the gate[4] of the City to the Castle. Three "pageons" were

(1) September 9, 1665, *Calendar of S.P. Dom.* 1664-5, *p.* 562.
(2) August 2, 1665, *Ibid. p.* 528; Ormond to Arlington, *p.* 650, *l.* 2.
(3) Lye to Williamson, p. 651. (4) Presumably Nicholas Gate.

placed in convenient streets; a fountain ran with claret.[1] Dances were arranged in the streets, and speeches, which have not been preserved, were delivered. At night there were bonfires and fireworks, and salvoes of artillery concluded the celebrations.

Dublin was now filled with politicians for the opening of Parliament, and Ormond, on the point of meeting it, heard of the introduction into the English Commons of a bill to stop altogether the importation of Irish cattle,[2] and wrote denouncing it in tones of contemptuous anger which are not usual in his letters. No bill introduced by Sir Richard Temple, he knew, was likely to succeed, but he hoped that the introduction and failure of this measure would help men "who looked beyond their own grounds and sheep walks to put the House in mind that Ireland is one of the King's kingdoms, and the people are his subjects of whose welfare he is obliged to have some care and see them used with some reasonable measure of equality." For the benefit of England the Irish export of wool, which might have been carried to foreign parts with mighty profit, had been checked, and now, for the same reason, their export of cattle to England—the only place to which they could profitably send it—was to be stopped also. "He must be extremely partial that can think or will say that there is any justice towards this people to continue both these laws against them."[3] Whilst Ormond openly supported the bill, Orrery was apparently told off to promote its passage by methods which would now be described by the slang word "lobbying." Ever since his return from Court he had been busy in canvassing the Munster members, but now in Dublin he first sought out the Speaker, Sir Audley Mervin, and after

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[1] At the expense of the City. *See* the Dublin City Records (ed. Gilbert), vol. iv., pp. xxi., 360, for the details. The Lord Mayor (Bellingham) did expend and lay out the sum of £100 18*s.* 6*d.* for wine, fireworks, &c., and an order is given to have it paid to him by the Treasurer of the City.

[2] Arlington to Ormond, p. 652. [3] Ormond to Arlington, pp. 656-7.

two hours' talk successfully persuaded him into acquiescence. Parliament met on the 26th, and, after passing resolutions of loyalty *apropos* of the plot of 1663, proceeded to consider the Bill of Explanation. The debates which led up to its final passage are of course common property, in so far as they are printed in the House of Commons Journals for the time, but the letters in the last pages of this volume are an interesting commentary upon these discussions. The opponents of the bill first attacked the vesting clause,[1] which they contended was not strong enough to vest in the King all the lands which had been seized or sequestered; but only those which had been seized or sequestered on the ground of actual war or rebellion.

Their arguments were, on 6th November, referred to the Irish judges, but whilst these were considering their opinion the clause in question was brought before the Court of King's Bench,[2] and a jury found it as weak as the opposition contended it to be. The judges returned their opinions[3] before the 14th and were found to differ as to interpretation, but to agree as to the necessity of amendment. But Parliament had, by virtue of Poynings' Act, no power to amend. On Monday, November the 13th, even Orrery's friends could not be persuaded to maintain their support of the bill unless they had some assurance that this defect would be remedied. This Orrery proposed to obtain by getting the Lord Lieutenant and Council to promise that, so soon as the bill was passed, they would direct the Commissioners to consider the vesting clause as strong enough to vest in the King all the lands which had been seized or sequestered, and by inducing the Commissioners to promise that they would act on such directions. Such directions, if *intra vires*, would, by the Act of Explanation itself, have the force of law; but Ormond had qualms about issuing an edict which contradicted the finding of a Dublin jury on a simple point of interpretation. He, however, gave the promise to Orrery on the

[1] Section 1. *Statutes at Large* (*Ireland*) *III.*, p. 3.
[2] P. 670. The Records do not say how. [3] P. 670.

13th, and early on the 14th that active nobleman invited the Speaker and his friends to his lodgings and told them what had passed the day before. They were all satisfied, he wrote, and promised to go on with the measure. At the same moment Ormond heard that the bill for preventing the export of Irish cattle to England had been "stopped" by the House of Lords, and wrote hoping that the protests from Ireland would induce them to reject it. This rejection alone would save Ireland from beggary, a beggary which was dangerous when men were "not yet established in their properties nor, as I have cause to doubt, totally reclaimed from their former ways."[1] The second reading of the Bill of Explanation commenced on 21 November[2] and an attempt was made to commit it, a step which could only lead to delay since amendments could not be made. But the attempt failed—again, if we may believe Lord Orrery, owing to his efforts. On the 24th it came up for third reading. A number of objections were raised and the opposition asked for time. Particular grievances, and there were indeed many, were discovered; and it was alleged that the clause against John Magill or McHill, of the co. Down,[3] was a job in favour of Lord Conway.[4] November closed with affairs in this position and the first two days of December were passed in eager controversy on the bill. On the 5th a sudden and strong attack upon it was delivered by Richard Jones, member for Roscommon, son to Lord Ranelagh, and nephew to Lord Orrery, the latter of whom had done so much to help it through. His speech is briefly reported in a letter from Orrery[5] and summarised the arguments of the adventurers urged against it. The speech was, however, well received in the House and caused the Government very great alarm. For several days the fate of the bill hung in the balance. On the 8th the Commons voted to address the Lord Lieutenant and

(1) Ormond to Arlington, p. 671.

(2) *House of Commons Journals* (*Ireland*) for that date. From the Journals many details as to the passage of the Act may be gleaned.

(3) Section 1 of the Act.

(4) P. 676, ll. 3-4.

(5) To Arlington, pp. 682-3.

inform him of their principal apprehensions and to ask for an assurance that he would use the legislative power with which the bill invested him in the sense they desired. This assurance must have been given forthwith, for the speaker spent the evening with Lord Orrery and assured him that he found the House much altered in their temper and hoped to carry the bill up to the Lords within seven days. On the 12th a letter from Lord Arlington to the Lord Lieutenant concerning the French preparations for war was read in the House, and evoked an outburst of loyalty. A bill for eight subsidies was at once ordered to be introduced and on the 13th a declaration of loyalty was carried. Next day Colonel Talbot gave the first word of confident assurance as to the passing of the Explanatory Bill.[1] On the 15th the Lord Lieutenant and Council returned a very full answer to the address of the Commons[2] and promised to use all the lawful powers they had to meet its demands and, if they had not power to meet them, to transmit a fresh bill to England for that purpose. The next day this answer came before the House and the morning sitting was passed in discussing whether it was satisfactory. The debate was long and angry. At one moment members confronted each other "with swords half drawn and with words sharper than they." Men were heard to say that the lands they had gotten with the hazard of their lives should not be lost with Ayes and Noes.[3] At two o'clock the Government moved to put it to the House whether the answer was satisfactory, but the motion to put the question was opposed and on a division was carried by nineteen votes only. On its being put, the answer was voted satisfactory by a majority of twenty-one. Then, in the gathering darkness of a winter evening, candles were sent for, with the intention of putting the whole bill to the House; but the opposition "risse in disorder, cried out to adjourn till Monday and put out the candles," and "wanted very little of going to cuffs in the dark."[4]

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[1] To Williamson, p. 685. [2] P. 686.

[3] P. 699. [4] P. 687.

On Monday, the 18th, the bill passed with but one dissentient voice, that of Mr. Upton, member for Carrickfergus[1]; "but I fear," wrote Orrery, "there were many negatives at heart." It went at once to the Lords. The passage was rendered easier by a speech delivered by the Duke of Ormond, of which there is no record in the Journals, and which may therefore have been delivered on the previous Sunday.[2]

So in December the great bill passed the Commons, and as the House of Lords, all but one, stood to gain by it, it had an easy passage there. On the 23rd, it received the Royal assent. Ormond, however, was not confident as to the result. He had only secured the act by promising the concessions desired by the adventurers and soldiers, and in the face of the finding of a jury he knew no method of establishing the vesting clause but by a new bill, unless indeed the judges of England could be induced to declare formally that it did do what it affected to do. The prospect of a new measure he viewed with horror seeing the years of difficulty and altercation which had been necessary in order to settle that which had just passed. Nor did its final passage put an end to his troubles. The Treasury of Ireland was utterly exhausted. The clouds of war and plague hung over England[3] and still paralysed Irish trade, and the combination of France and Holland against England increased the danger of an invasion of Ireland. Though the Bill of Explanation was passed, many other measures still remained to be put to the House of Commons, and unless the Commissioners of Settlement carried out the agreement made between the Government upon the one hand and the adventurers and soldiers on the other, the opposition

(1) He had lost all he had, being of the Marquis of Antrim's estate. Lane to Williamson, p. 691.

(2) Churchill refers to it, p. 699.

(3) War with France was not declared till 1666, but in November, 1665, the English merchant fleets were suffering at the hands of the French.

would be strong enough to block them. With these reflections Ormond went down to Kilkenny for the recess. Whilst he was there the year closed, and it brings this volume to an end.

The general scope of the Act of Explanation has been indicated at the commencement of this Preface and by the summary of the contending arguments amidst which it was prepared and passed. A detailed description of its provisions is beyond the scope of this Preface and outside my duty; and I need only say here that though it contained the least measure of justice which the adventurers and soldiers could claim, it was not deliberately aimed against them. Assuming the evidence and arguments adduced by Domvile to be true and sound, the adventurers and soldiers had in many cases acquired more land than they were entitled to under the Act of 1642, the only Act which the Restoration Government could in strictness be called upon to make good. The "Doubling Ordinance,"[1] which the King refused to respect, was an ordinance—or two ordinances—of the House of Commons, and had been passed whilst that House was at war with the Crown. It was a measure of war prompted by the urgent necessities of the Cromwellians in England, and used to raise men who fought against Preston at Dangan's Hill and Ormond at Rathmines. The character of this ordinance is within the recollection of those who have read the earlier volumes of this Calendar. Where a man had advanced £10, £50 or £100 under the Act of 1642, he could by advancing twenty-five per cent. more—£2 10*s.*, £12 10*s.* or £25—obtain a claim for land to the value of double his whole investment; that is to say, £25, £125 or £250. Sir William Domvile held that the Government was not bound to make good this gilded promise; but he never held, as he might in strictness have done, that the Crown was not bound to make good even the value of the

[1] *See Calendar of S.P. Ireland, Adventurers*, 1642-59, Preface pp. ix, x, xiv, xvi.

sum actually advanced. To that strictly logical argument Ormond had provided the best answer when he said that, after all, the adventurers and soldiers had acquiesced in return of the King without making terms; but that they might have made them, and that, having abstained from doing so, they must be treated as loyal subjects, and as entitled to the benefits promised at the Restoration and by the Act of Settlement. Apart from this matter of the Doubling Ordinance, it was not proposed by the Act to take away the lands of any adventurer or soldier unless he could be shown to the Crown to have a bad title—either to have got too much land or to be entitled to none at all, or to have got profitable lands as unprofitable, &c. These questions were really questions of detail or evidence and not of law. A more serious grievance of the adventurers and soldiers was that of the nomination of a number of personages to whom restitution was given as a special privilege.[1] This restitution might involve, of course, the expropriation of Cromwellian settlers; and we have the instance of Mr. Arthur Upton, who lost the whole of his estate in Ireland by the restoration of the Marquis of Antrim. Here, however, came in the reprisal provisions; and these, if honestly executed, must give fair compensation in all such cases. The manner of their execution depended upon the Commissioners of Settlement, and it might at least be said that every man who lost lands to which he had a *bona fide* claim would have a fair opportunity of making it good. The difficulties of a solution were such that recourse to a Court of Arbitrators of some sort was unavoidable. The forthcoming volume will, I think, show how the Arbitrators executed their trust.

One man alone in the Irish House of Lords had good reason to regret the passage of that great measure, and one man in England had a corresponding reason to rejoice at it. The first was Lewis Dempsey, Viscount Clanmalier, the chief

[1] *See* Section 148 of the Act of Explanation, *Statutes at Large* (*Ireland*) *III.*, p. 89.

of the Dempsey clan, and the second was Henry Bennet, now Lord Arlington, Secretary of State to Charles II. The story of the Clanmalier estate and the manner in which Lord Arlington got possession of it is one of the most instructive episodes in the volume. Lord Clanmalier was a man against whom no fair charge of nocency could be brought. His estate, granted to his ancestors for loyal services to the Crown, lay in the richest part of the King's and Queen's Counties, round about the modern town of Portarlington.[1] It was situate on the upper waters of the Barrow, and comprised, in Lord Orrery's view, the finest land in the King's dominions. "Good pastures, good meadows, brave woods and dry soil and well watered," he saw as he passed over it. Its timber also, at a time when England sorely needed it, was of great value; more especially as it could be made into barrel staves and floated down the Barrow to Ross and Waterford, the centres of the fishing industry, or brought to the shipyards of England. The estate had passed into the hands of adventurers and soldiers, but if any disloyalty could be proved against its owner it was disloyalty to Cromwell and not to the Royalist Government. He had adhered to the peaces of 1646 and 1648-9 and had strongly opposed the Nuntio Rinuccini. The English neighbours of this Irish peer testified warmly to his protection and kindness, and there was, in fact, no charge against him. But the estate was one upon which Bennet had long set his heart, and the acquisition of it was entrusted to Orrery, Talbot, Lye and Vernon, whose letters abound with references to the efforts which they were making on Bennet's behalf.

At the commencement of 1663 Bennet's friends drew up a private bill for the purpose of vesting the estate in him and for compensating the occupier, and it was before the Privy Council in January. Amongst those who had got property in Clanmalier were, however, Lord Kingston and Lord Aungier, both of

[1] It is not, I think, generally known that Portarlington takes its name from Charles II.'s famous minister. Some further information on the Clanmalier affair will be published, I hope, in my next volume.

whom had influence in the Council; and Aungier was determined to keep his estate there, whatever might happen to the other proprietors. He canvassed the smaller occupiers, who were against the private bill, and induced them to refuse to sign a petition in its favour, which Colonel Talbot had apparently persuaded them to do. Their objections caused some delay in the Council and the bill did not go over to England till early in April. There it must have been speedily passed by the English Privy Council, for though it did not leave Dublin till April 3rd, it was returned before April 25, a striking proof of the influence of Bennet at Whitehall. The Secretary's friends found, however, that it would be impossible to pass it unless very full security were given to the adventurers and soldiers that they should receive full reprisals. Moreover, some idea had apparently got abroad in Ireland that Bennet intended to found a settlement of foreign workmen in Clanmalier, and the English settlers "hate as much that anything should come amongst them as the Croiolans of Mexico and Peru do the natives of Spain that go every year to the Indies."[1] The text of the bill[2] shows the ingenious device by which the King's title to the estate was "found." Lord Clanmalier was declared to have forfeited

[1] Clarges to Bennet, p. 78. I believe there were, even in recent times, many foreign names at Portarlington, but I do not know when they first appear in Irish history. Mr. Elrington Ball writes to me as follows:– "The fullest information as to the Hugenot settlement in Portarlington will be found in *The Hugenots, &c., in England and Ireland*, by Samuel Smiles, London, 1867. It would appear that the Hugenots came there under Ruvigny a few years after the Revolution, but possibly they were not the first foreigners to come to the Queen's County."

I should surmise that the choice made by the Hugenot settlers of the somewhat remote town of Portarlington points to the fact that some of their fellow-countrymen and co-religionists were already there before their arrival. The ensuing volumes of my Calendar will, I hope, contain fresh information upon this point. For an account of the descent of the Arlington property in Clanmalier to the Earls of Portarlington see Lewis' *Topographical Dictionary of Ireland*.

[2] Pp. 71-2.

his property for treason—an assertion, so far as we know, quite contrary to fact—and such estate as he had was therefore rightly forfeited to the adventurers and soldiers under Cromwell's Act. But Lord Clanmalier had an estate to him and his heirs males only, and his heirs were about to die out. What the adventurers and soldiers had got was only what Lord Clanmalier could forfeit, and when he and his son died his estate would revert to the King, whose Declaration of November, 1660, could not be held to involve a surrender of the reversion. The death of Lord Clanmalier and his son might occur at any time. How much better would it be for the adventurers and soldiers if they now took other land of equal value in fee simple, and resigned their farms in Clanmalier. Such land the bill promised them when their claims should have been tried by the Commissioners of Settlement, and so soon as they were satisfied the King was to grant the estate to Sir Henry Bennet.

These proposals were to be put to Parliament when it met on the 25th of May, but Ormond was opposed to them. Bennet's friends assured him that this was not so,[1] but the evidence in the volume of strained relations between the Lord Lieutenant and the Secretary of State justifies the inference that Ormond objected to large private grants, of which Bennet's must have been the largest.[2] The successive prorogations of Parliament at this time prevented the bill from coming before the House, and during the long period of these prorogations the Clanmalier scheme hung fire. Meantime the sitting tenants on the estate were cutting down its valuable woods with great rapidity, and Bennet's agents were busy endeavouring to stop them.[3] The documents give us no clue to the actual moment at which Bennet gave instructions to his Irish agents to reinforce the private bill and by inserting provisions similar to it in the Bill of

(1) Vernon to Bennet, p. 89.

(2) *See* Clarges to Bennet, p. 179.

(3) Pp. 183-4, and Talbot to Bennet, pp. 288-9.

Explanation preparing in the Irish Council. Such instructions may have been contained in his letter of 4 July, 1663.[1] It may, I think, be surmised that by that date the crafty Secretary had hit upon the project of tacking the provision for his estate to a measure which would secure the soldiers and adventurers of theirs, and which they would not therefore reject. The two projects, however, went on for some time.[2] On 25 July Clarges wrote that if the adventurers were too vigilant for him whilst the Bill of Explanation was drafting in Dublin, he would send advice to London for inserting amendments whereby the estate might be secured to his principal "and in a way that *cannot be discerned* to contradict the ends of the Bill"[3] — a characteristic piece of knavery. A draft of the clause in the Bill of Settlement was sent to Bennet on August 15. From the time onward we have no practical information as to how the affair went forward until a King's letter of 25 February, 1664,[4] which shows that doubts had arisen as to whether the adventurers and soldiers in Clanmalier could be removed. The same thing is evident from Colonel Talbot's letter of March 13,[5] in which he describes his efforts to get the Irish Privy Council to assent to the private bill in Bennet's favour which had lagged behind the Bill of Explanation in Dublin. This assent was only obtained by inserting in the private bill a clause giving to all the present owners on the estate promise of full and previous reprisal; and their claims were so strongly supported in the Council that Vernon said they must either be met or the bill would never have got over to London. What its fate was after final acceptance by the Irish Privy Council these documents do not tell us. At the time of that acceptance our information ceases, and it is only after a long interval in October, 1665,[6] that we find a letter from Lord Orrery which makes it clear that the Secretary of

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(1) Acknowledged by Clarges in his of the 17th, p. 179.
(2) Clarges to Bennet, p. 181. (3) P. 186. (4) P. 370.
(5) P. 375. (6) P. 657.

State relied entirely on a provision[1] in the Bill of Settlement. The chief difficulty now was to induce Lord Aungier, who held a considerable part of the Clanmalier estate, to give it up in return for some equivalent elsewhere. Anglesey, Orrery and Robert Lye combined to persuade Lord Aungier to this surrender; and in the end prevailed upon him to take £1,200 within twelve months in exchange for the whole of his lands, on which there was a good house, and for his timber. In these terms the clause passed the Commons. In the Lords one distinguished peer at all events, Wentworth Dillon, fourth Earl of Roscommon, raised his voice in defence of the unfortunate Lord Clanmalier. The report of the speech which is extant[2] was not taken down at the time, nor was it written beforehand. It was set down some days after its delivery by the author for the purpose of vindicating himself against a charge of having spoken too strongly in favour of Lord Clanmalier, and was sent to Lord Orrery in order that it might, if necessary, be forwarded to Arlington in London. We may, therefore, be sure that it does not overstate Lord Clanmalier's case; and as it stands, showing him innocent and to have lost his estate only by the negligence or incompetence of his lawyer, it constitutes a grave indictment against Arlington. Although Lord Clanmalier had a son, an assumption seems to have been abroad that his family would not be perpetuated, and that what was being taken from them was only a life interest. I do not know upon what evidence this assumption rested. How far it excused Arlington's action is a question for those who read these documents.

The period covered by this volume was of course a very critical one in foreign affairs. The year 1665 saw England at war both with France and the United Provinces. The Dutch war practically commenced in the spring of 1664 with

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[1] *See* the Act, section 78, *Statutes at Large III.*, pp. 48-9.

[2] Pp. 676-7.

the attack on the Dutch possessions on the Guinea coast and in North America, and, although a formal declaration of war was not issued until March, 1665,[1] from that time onward English privateers committed depredations on Dutch merchantmen. At the end of 1665 England was practically, though not formally, engaged in the war with France which was declared early in 1666. It was impossible but that these wars should have their effect on Ireland; but the foreign entanglements of England had now much less influence upon Irish affairs than they would have had fifty or even twenty years previously. A strong Protestant and English Colony had been planted in Ireland, and, whatever might be the rights and wrongs of detail which surrounded their estates and claims, they formed a garrison which made less serious the danger of a foreign invasion of Ireland. We no longer hear of exiled Irish chieftains ready to descend upon the coast, or of other Irish chieftains ready to help them. The government was only anxious lest a foreign invasion might encourage the Cromwellian settlers[2] to rise and demand that, as they said, the lands which they had gotten at the peril of their lives should not be taken from them by Ayes and Noes. And this anxiety was no doubt increased by the fact that the Power with which England was embroiled was the United Provinces—a state entirely in sympathy with the Cromwellian settlers, and soon to bring forth a ruler who should supplant the Stewarts on the English throne.

In November, 1664, England was committed to operations of war and Lord Orrery reported the Duke of York's departure with forty-eight men-of-war, but added that he did not think the Dutch would come out to meet them. He added that the King had made peace with Algiers, and that the Algerian Government had given a guarantee of their sincerity by putting to death all those who had broken the late peace. At the same time he sent news of the defeat of a French

[1] *See* p. 558.

[2] *See* references in Index under Ormond, Orrery and United Provinces.

Expeditionary force in Djidjelli on the Algerian coast, and hoped that that defeat would render the French Government more pliable in the matter of negociations then proceeding between England and France. At this moment Major Rawdon reported the landing of 300 Dutch firelocks at or near Coleraine.[1] In December, 1664, when further naval preparations were being made in England, the Government wrote to Lord Orrery, their Lord Deputy, asking whether a thousand seamen could be raised in the Irish ports for service at sea. The Lord Deputy and Council replied in a significant despatch,[2] saying that such men could not be raised, and that the failure of the herring trade and the "desolations of the late rebellion" had ruined the Irish seaports. The seafaring men in those ports were Dutch and English or other foreigners; and the Lord Deputy and Council, in order to raise the required men, resolved to take on "others that now use boats and cotts on rivers," and able-bodied landsmen who could soon be taught seamanship; and for the encouragement of recruits they issued a proclamation already published in England promising a certain amount of care to sick and wounded soldiers. They added, however, that as the Treasury was empty, they could not raise men without money to feed them and collect them at the ports. In the early months of 1665 the Dutch privateers abounded in the Irish shores; and at the end of April Major Rawdon[3] reports the first of a series of captures which continued until after the Battle of Southwold Bay. The presence of these ships to a great extent stopped Anglo-Irish trade. Cattle could not go from Ireland nor coal or timber from England[4] and "Norway deals," which were much needed for building, could not be obtained. The capture of four Dutch privateers or "capers" in May did not do much to restore confidence. Early in June came the hard fought battle of Southwold Bay,[5] to which I have already referred. The fate of

(1) Pp. 454-5. (2) Pp. 524-5.
(3) P. 575. (4) Pp. 550, 580, 582, 649. (5) Above, p. xxvii.

the Stewart dynasty seems to have depended upon it. Had the Duke of York been defeated, the smouldering embers of discontent must, so far as we can judge from these documents, have burst forth into the fire of insurrection.[1] Even after this battle, the depredations of the Dutch "capers" did not cease,[2] and the seamen whom they sent ashore brought accounts of great captures. Of the privateers captured by English ships three were brought in to Kinsale and sold there by public auction or "cant" in August. The auction was carried out by Robert Southwell, afterwards Sir Robert Southwell, Deputy Vice-Admiral for Munster; and we have a very full account of the expense of keeping the Dutch prisoners, which exceeded the price obtained for the ships by a considerable sum.[3]

The danger of invasion compelled the Duke of Ormond and his Deputy to look to the Irish army[4]; "the only standing army" said the Duke of Ormond in "the three kingdoms,"[5] and it was throughout the present period in question in a very bad condition. The King's Regiment of Guards in Ireland had been founded before the commencement of 1663. The Guards were picked men whose loyalty could be trusted; and Colonel Vernon wrote in May, 1663, that they alone secured the state. The regiment was at first paid out of the English Exchequer; but, at the beginning of 1663, a suggestion appears to have been made that it should be put on the Irish establishment and paid for, if needs must, by reducing some of the other Irish troops and companies. The Lord Lieutenant objected to this course and to the policy of paying the Guards at a higher rate than the other regiments. He referred also to certain troops of "dangerous horse" in terms which showed clearly that a great part of the army was untrustworthy. In the same month, the Lord Lieutenant was anxious as to the loyalty of several of the officers. It was very difficult for him to distinguish those who had served

(1) Rawdon to Conway, p. 588. (2) Pp. 591-2. (3) Pp. 665-9.
(4) For references *see Index, s.v.* Ireland, *Army*. (5) P. 12.

Cromwell merely through need of pay and now loyally and cordially served the King, from those who, alike before and after the Restoration, were Republicans at heart; but at this time he did get rid of officers who, as he thought, could not be relied on in all events.

In August, 1664, arrangements were made for sending over reinforcements of men to Ireland, but a dispute took place as to whether they should be commanded by English officers or by those already in the Irish army. The Lord Lieutenant desired to give the commissions to men of experience and proved capacity who were to be found in Ireland, whilst the English Government wished to appoint English officers. Ormond stood firm on this point, and declared to Albemarle that if he intended to send over troops with English officers he must either pay them with English money or keep them on English soil. Two hundred soldiers were landed in Dublin in October, 1663, but it was soon found that several of them were men who had been recently disbanded in Ireland and who, going to England, had re-enlisted there. Some of these had been removed for disloyalty, and all were ill provided; and the officers to whom they were sent complained greatly of having to fit them out. Many of the officers in the army, too, were suspected of disloyalty and, in the spring of 1664, when the Government of England was apparently considering the possibility of enforcing a land settlement in Ireland by means of the army, Ormond wrote asking for power to "reform" some of them whom he did not trust. The discontent of the soldiers was greatly increased by the fact that their pay was always in arrear. The system of paying men by assignments, apparently of debts due to the Crown, was adopted, and led to great hardships. The assignments were often given in parts of Ireland remote from the place of garrison, and troopers or foot-soldiers had to be sent for long distances to collect them.[1] In April, 1665, Lord Conway's troop was six

[1] Rawdon to Conway, p. 528. I shall give, I hope, further evidence of this in my next volume.

months in arrear, and Major Rawdon wrote that they could not be paid[1] out of the Treasury, which was unable to meet the public debts, whilst in August Lord Orrery reported that the soldiers had to depend on their "guns "[2] for their livelihood, and went out shooting in order to get food. At the close of 1665, when the trade of Ireland was paralysed by war and the revenue was falling, the possibility of paying the army became more remote, and that, too, at a time when, as the Irish Government thought, there was likely to be an urgent need of its services. This question became very acute in the early months of the following year and will, I hope, be dealt with at greater length in the preface to the next volume of this calendar.

The difficulty of paying the forces was the first and most dangerous result of a depleted Exchequer; and we have abundant evidence that in the three years now under review the revenue of Ireland[3] was in a desperate condition. The income of the country for the year ending in March, 1664, was about £153,000[4]; the main ingredients in it being the customs and excise on imports, the inland excise, the old crown rents, the quit rents paid by the new landlords who held under recent statutes, and the hearth tax. At the beginning of 1663[5] this sum fell short of the annual expenditure of the Government by no less than £60,000, and the Government was also in debt £40,000. The Lord Lieutenant and Council consequently asked for £60,000 to be sent over, with which they believed that they could buy up a large amount of debt and make good the deficits which might be incurred until the country was really settled. There is no evidence in this volume to show that that sum was ever sent, and the King's indebtedness grew throughout the whole of the period. The rents due from adventurers and soldiers could not be paid till they were settled on their lands,

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(1) P. 574. (2) P. 622.

(3) For details *see references in Index s.v.* Ireland, *Revenue.* (4) P. 555.

(5) Pp. 12-18.

and were respited by successive Orders in Council to 20 November, 1663; but the payment naturally hung back as the final land settlement was delayed. In the middle of the year negociations commenced for the farming of the customs and of the inland excise to undertakers, and lasted for a considerable time. Before July the Lord Lieutenant had promised the farm to one set of undertakers headed by Peter, afterwards Sir Peter Hervey,[1] a Dublin merchant, who offered £50,000 a year for a five years' lease; but other contractors were in the field, and a second company offered £53,000 for a six years' concession. The Commissioners of Irish customs were for various reasons opposed to such leases,[2] but the Government were in favour of them, and ultimately the competitors for a lease bid up to £55,000 a year. At this figure the Lord Lieutenant and Council agreed in November, 1663, to give Harvey and his partners a six years' lease to begin on 25 December, 1663. In December, Harvey petitioned[3] the Crown saying that he had offered more for the customs and imported excise than the Commissioners of Revenue said they were worth, "principally out of a zeal to improve your Majesty's revenue in that kingdom," and asked that the inland excise and revenue from the granting of licences to sell strong liquor might be let to him. By authority from the King this farm also was given to him and to Alexander Bence, of London, for six years from Christmas, 1664, though the lease appears not to have actually commenced till Lady Day, 1665.[4] The rent paid by the grantees was £39,000, which, with the £55,000 for the customs, brought Harvey's total annual debt to the state up to £94,000 a year. We have a detailed account[5] of this date showing the value of the customs and excise on imports and the customs on exports, and it shows them to be worth in all about £80,000 a year. If Harvey had to pay £55,000 to the Crown on this total, he must, even supposing he made no

(1) Knighted 25 October, 1664. (2) Pp. 259-61. (3) P. 320.
(4) Pp. 321 and 448. (5) Pp. 460-461.

profit, have been levying duties equal to over 60 per cent. *ad valorem* on the struggling export and import trade of the country. The revenue so raised, and more, was spent in keeping up the army and the civil and legal services; but as there is no account of the Irish establishment in this volume, I pass over the questions of expenditure.

Apart from the other disadvantages of this burdensome taxation it is of course obvious that the revenue which it yielded depended entirely upon the security of trade; and during the year under review the trade[1] of Ireland suffered severely both at the hands of the English Government in time of peace, and from the risk and insecurity which followed the outbreak of the Dutch war. The staple produce of Ireland was the raw material of food—beef, mutton, butter and fish, and the bye-products of these articles, hides, pucquanes[2] or goat skins, and wool. An estimate of 1665[3] shows that Ireland, after supplying herself with beef, could export live cattle, beef, hides, and the other products from cattle to the yearly value of £200,000, and sheep, sheep-skins, mutton and wool, and the products of sheep, to the yearly value of £100,000. Fully 200,000 cattle and about £20,000 worth of horses were annually exported, though we are actually told that many horses were killed in each year for want of grass to keep them, and owing to the heavy cost of paying freight and custom to send them abroad. Fish was exported to the annual value of £25,000, and this figure could, it is said, be greatly increased if the methods of fishing and curing were improved. These figures show that in spite of recent and present wars and of the imperfect methods of breeding and curing, Ireland was very rich in articles of food, and there can be no doubt that this abundance not only made living very cheap throughout Ireland, but rendered possible

(1) For fuller details *see Index, s.v.* Ireland, *Trade*.

(2) Pucquane or puckawn is an interesting word. It is used both for a buck goat, as explained in Wright's *English Dial. Dictionary*, and, as here, for a goat skin.

(3) Pp. 693-698, to which the reader is referred for full details.

the accumulation of wealth in the country. The great difficulty lay in the restrictions imposed on Irish commerce. There were in particular many complaints of the partial prohibition against exporting Irish cattle, which had been imposed in 1664 by an act of the English Parliament. The act "for the encouragement of Trade" (15 Car. II., cap. 7) was the act by which (sec. 10) this restriction was imposed. It was not an absolute prohibition, but enacted that a fine of 20*s*. should be imposed on every "head of great cattle" brought into England or Wales between 1 July and 20 December in any year. The Scotch were, however, allowed to import up to 24 August in each year.[1] In September, 1664, Lord Anglesey speaks[2] of a bill brought into the English Parliament for making this partial prohibition complete, whilst in October of the same year the Lord Lieutenant declaims against[3] such restrictions as were in actual force. Lord Conway was certainly able to order cattle over from Ireland, and in November, 1665,[4] the Lord Lieutenant hoped that the Lords would throw out the bill for complete prohibition. As to the general expediency of the measure proposed in England, the Viceroy differed from men like Lord Kingston, who suggested[5] that the prohibition of the export of raw food products might compel Ireland to become a manufacturing country. Ormond believed it would reduce Ireland to beggary, but hoped[6] it would give an opportunity "to those that look beyond their own grounds and sheep walks to put the House in mind that Ireland is one of the King's kingdoms and the people are his subjects, of whose welfare he is obliged to have some care and see them used with some reasonable measure of equality: that whilst for the good of the English trade and manufacture the people are by an old law inhibited to transport their

(1) *See* the provision, in *Statutes of the Realm* (*England*), *Vol. V.*, at p. 451.

(2) P. 644 and *see* p. 652. (3) P. 650. (4) P. 671.

(5) P. 658. (6) P. 657.

wool anywhere but into England which they might send into foreign parts with mighty profit, they are by a new one prohibited to send their live cattle into England whither they can only send them with advantage." Only the most partial people, he remarked, could consider it just to continue these two laws against the Irish and yet expect them to contribute to the King's revenue. The export of cattle was not absolutely prohibited during the period under review, and looking into the English and Irish Statute Books I find no statute, apart from that already mentioned, at this time in force to prevent it.[1] On the other hand it seems that the Canary Company, founded in London by Royal Charter in 1665, succeeded for a time in crushing the competition of the merchants in Dublin, who traded largely to the Canaries.[2] The merchants of Dublin protested against the monopoly of the London company, but their protests, for the moment at all events, were in vain.

Wool and fish were also largely exported, though the fish were generally caught not by Irish but by English or foreign trawlers. The export of wool abroad was, as Lord Ormond says, a trade of "mighty profit" and was carried on in spite of prohibitions. The merchants gave large sums for surety that they would not ship their wool abroad, and let these sums go rather than forfeit their gains. We see from a grant to John Bulteel,[3] in 1663, how great an amount of wool must have gone abroad before 1660. Though in the account of Irish trade at the end of 1665, it is pretended that no such export took place, there is reason to believe that it continued. In July, 1665,

(1) There is an English Statute of 1666 (18 and 19 Car. II., c. 2) which affects to deal with the subject, and by its title seems to be intended to prohibit the importation of cattle from Ireland to England, but the Act [*which see*] is vague in its terms, and though the title suggests its intention there is nothing in the body of the statute expressly prohibiting the importation of Irish cattle. An Act was passed in 1680 (32 Car. II., c. 2), which affected to prevent the export, but it is also vague in its terms, and so far as this matter goes, merely re-enacted the provisions of the Act of 1666.

(2) *Index s.v.* Canary Islands. I shall give more information on this matter, I hope, in my next volume.

(3) P. 258.

Richard Butler, Earl of Arran, a younger son of the Duke of Ormond, was appointed alnager to carry out a recent Act[1] of Parliament for controlling the manufacture of cloth. The appointment enabled Lord Arran's agents to exercise arbitrary powers at the fairs where cloth was sold, and these men managed to make themselves very unpopular.[2] The Act, however, shows that frieze was largely exported, and the report at the end of the volume[3] confirms its evidence. The total value of clothing stuffs sent from Ireland in 1665 was over £150,000. Timber or barrel staves were also an important Irish product; and, as I have said, the wealth of timber in Lord Clanmalier's woods was the chief reason which induced Lord Arlington to covet them. As to imports, Ireland depended on England and foreign countries for nearly all manufactured goods, and the "observations" at the end of the volume show that she had scarcely any manufactures of her own. Linen was made in the north, and frieze cloth elsewhere; and there were brewers at all events in the Coombe at Dublin,[4] but for wine, spirits, iron, salt and manufactured articles generally, Ireland was dependent on foreign supplies. The exchange was always against her. In the case of the one landlord of whose affairs we have intimate knowledge, we see that there was a constant drain of money from Ireland to England, which, if it existed in other cases, would explain this phenomenon.

Here and there[5] throughout the following pages the reader will get glimpses of the society of the time. Dublin was certainly growing apace, and buildings were rising rapidly before the commencement of the Dutch war, which led to the exclusion of foreign timber and to the delay of

(1) *See* pp. 604, 605 and 604*n*.

(2) Information on this point will be found, I hope, in my forthcoming volume.

(3) Pp. 694-5.

(4) John Chamberlain, pp. 99, 111.

(5) *See Index s.v.* IRELAND, *General*, Dublin and Rawdon.

building works "in and about the city and liberties." There were no chairs or cars plying in Dublin at the time "sufficient to accommodate ladies and other persons of quality either for the journeys into the country or to the sea-side from Dublin, or from one place to another in Dublin" or elsewhere, and in February, 1665, René Mézandière, a French servant of the Lord Lieutenant, who was with him in England, petitioned for leave to have a monopoly of such vehicles. The Duke of Ormond recommended that he should have it if the law officers did not think it inexpedient to grant extensive privileges in a matter of this kind, and I have draft letters from the King to the Lord Lieutenant authorising the grant, if the Irish Council approved of it.[1] There was a theatre in the capital to which good society went, though in 1665 it was deserted during the hot summer for the new bowling green which had just been laid out by Alderman Tighe.[2] This was at Oxmantown, and both sexes met there in these years as on the golf links of to-day. In the summer evenings the Lord Deputy played bowls regularly with his friends, whilst the ladies went across the river to Oxmantown Green and diverted themselves there with "kettlepins." On wet days, when there was no hunting, hawking, or bowls, cardplay was usual, and *ombre* the fashionable game. A fountain of claret was provided in the streets of Dublin when the Lord Lieutenant returned from England in 1665, but brandy and usquebagh were also not unknown. Horse-racing was already in vogue in Kildare,[3] and in the north large wagers were laid on horse races, which seem to have generally been matches between two horses. The Lord Lieutenant was fond of hunting and hawking, but I have no evidence that he cared

(1) Dublin City Records, *ed.* Gilbert, IV. 418-4, 427. Mézandière, by the way, was convicted of manslaughter about this time at the Old Bailey and was apparently tried for murder (*see* p. 545).

(2) Some details as to this will be found in the Dublin City Records for the year 1664 (IV. 286).

(3) *See above*, p. ix. note.

for horse racing.[1] Sir Nicholas Armorer, who was the most active sporting guardsman of the day, bet heavily against his own colonel's horse in such a race, and won his bet, and Sir George Rawdon trained horses for the local races at Belfast, and sent them to Kildare for the races there. The account of the Conway demesne and estate at Lisburn given in Sir George Rawdon's letters shows that he was very busy at this time in making a duck decoy; and a Dutch fowler, Martin Johnson van Heyninge, who was sent over by Lord Conway to Ireland to superintend the work, declared that he had never seen such a place for wild ducks as the shores of Lough Neagh. The duck decoy was a very elaborate one, and, with a view to getting it properly planned, Sir George sent to England for a plan of Sir Edward Rodney's decoy in Somerset, which was said to be the best in England. Various other works, such as a glasswork and a "cockglade," —presumably a preserved covert for woodcock—were undertaken by him at the time. The accounts of his family meetings and of society in the Co. Down, the match-making, the dinner parties, the references to hawking and deer shooting, are a very pleasant variety to the constant reports and accounts on political affairs, which, of course, fill most of the following pages. The most curious letter in the volume is that of Archbishop Boyle[2] to Lord Conway, in which he describes the cures and reputation of Captain Valentine Greatrakes, a well-known *masseur* and faith healer of the time. Greatrakes had the reputation of being able to cure certain pains by "frications," and was rumoured to have had great success when on campaign before the Restoration. Archbishop Boyle was sceptical as to this method, but thought it worth while to try to persuade him to go to England to see if he could cure Lady Conway, who had long been ill. But Greatrakes was a stout Republican and

[1] As to his horses and hawks *see* the Report on the Carte MSS. in the 32nd Report of the Deputy Keeper (Ireland).

[2] Pp. 615-616.

answered at first that he would not go over "for any lord whatsoever." He did, however, go over, but up to the present I have no evidence as to the result of his efforts upon that distinguished patient.

In conclusion, I may notice a few isolated statements or references of interest. On pp. 26-27 there is a reference to a curious custom in Ulster farmers for making their cows give milk, which is amusingly dragged in by Sir Audley Mervin to give point to a remark in one of his speeches. On p. 78 a letter from Lord Inchiquin gives some account of the difficulties of Irishmen in the service of Portugal, which was then at war with Spain—a war in which England was inclined to side with Portugal. On p. 87 there is a mention of the fact that Sir Nicholas Armorer gave a play to amuse the King's company of the Irish Guards. The play was Catharine Phillip's *Pompey*, and Lord Roscommon, who was a poet of some distinction, and Sir Edward Deering wrote a prologue and epilogue for the occasion (pp. 113 and 114). On p. 137 Colonel Vernon, speaking of the trial of Presbyterian conspirators, says "the Presbyterians had a very *shrood* (shrewd) day of it," using the word in an unusual sense. On p. 207 and the following pages a large budget of documents will be found relating to the case of the Marquis of Antrim and his dealings with Charles I. and the Nuntio's party in the time of the civil war. On p. 243 Sir George Rawdon supposes that Lord Conway, who was paying a visit to the Duke of Ormond at Kilkenny, was passing his time at cards—playing *ombre* for money.

In November, 1663, Lord Orrery was preparing three Irish greyhounds (p. 291) to send to Secretary Bennet as a present. Two of these were "white and shagged, which is a great rarity." They were carefully trained before being sent to England, and their training was delayed by a fight with a mastiff, which they killed, but which evidently gave them a stiff fight. On p. 298 there is a grant to Samuel Butler of the copyright in

Hudibras, which he had printed and published at his own expense. The copyright is in generous terms and forbids both the printing and the import from abroad of pirated editions of the work. On p. 320 Secretary Bennet gives some interesting information on diplomatic affairs; and I may notice that the Lord Holles, who was now ambassador in Paris, was none other than Denzell Holles, sometime member of Parliament for Dorchester, who twenty-one years previously had, with Pym, Hampden, Hazelrig and Strode, defied the will of Charles I. On pp. 328-335 will be found a translation of a long speech of the Duke of Ormond made in the Irish Parliament. I think this must be the speech mentioned in the Lords' Journals for 27 September, 1662. It was translated into French and published in London in 1663 and I have translated it back again. On pp. 338-342 is another budget of documents dealing with the restoration of the Marquis of Antrim to his estate in the North. On pp. 366-8 Orrery discusses at length the possibility of raising recruits in Ireland to serve in Portugal. On p. 388 there is a King's letter authorising Ormond to name people for special restoration; and as we know fifty-four people were specially so named in the Act of Explanation. On pp. 391-5 is a parcel of documents dealing with the validity of the decrees of the Court of Claims after 2 July, 1663. On pp. 408-409 there is a reference to the setting up of lighthouses in Ireland, and earlier in the volume (pp. 226-7) there is a draft grant to certain persons of the privilege of erecting lighthouses on the Irish coast and of taking tolls therefor. On p. 455 Philip Tandy refers to a "blazing star" seen in the heavens which was regarded as a portent and caused "a great weakening of many men's hearts."[1] On p. 499 there is an interesting note on the conduct of certain Aldermen and Councillors of Dublin. On p. 533 Major Rawdon writes to Lord Conway of disturbances in the North[2] and announces that he can, if need be, enlist 1,000 men. On p. 540 there is a letter concerning the iron

[1] *And see* p. 566 *ad fin.*

[2] *And see* pp. 542-4.

works in the King's and Queen's Counties which had at one time promised well, but were now useless owing to the low prices of Spanish and Swedish iron. On p. 550 we have a notice of an Alderman of Dublin being set on and stabbed by a dozen thieves "near St. James' Church in the suburbs of Dublin," and also a notice of the use of Locker's pills—a fashionable medicine at the time—in Dublin, where they never had the success which they had apparently achieved in England.[1] On the same page there is a reference to the drilling of the Dublin garrison on Phœnix Green[2] and to the rapid growth of Dublin and its suburbs. On p. 573 Major Rawdon uses "I admire" for "I wonder," and on p. 587 "Jockyes" is used as a *petit nom* for a boy or man who looked after, and perhaps rode, racehorses; and we read something of the difficulty of buying plate suitable for prizes for horse-races in Ireland. On pp. 593-6 there is a budget of papers relating to the Herbert settlement in Castleisland. The Archbishop of Dublin's letter as to massage on pp. 615-6 has already been noticed, and I may refer to the very minute estate accounts sent at this time to Lord Conway by his agent or stewards in Ireland.[3] On p. 628 the word a "snip" is used in the sense which it has in the slang of to-day for a "good thing" or good investment. Some details as to horse-breeding will be found on p. 633; and we read that as much as £86 was offered and refused for an untried horse. On pp. 640-641 is an amusing letter from Sir Nicholas Armorer relating to the adventurers of a certain Father Patrick—I think Father Patrick van Uffle, also called Captain van Uffle—of whom I cannot give any accurate information. He came over from England with the Duke of Ormond in September, 1666

(1) They are better spoken of on p. 591.

(2) Mr. Elrington Ball identifies this with Oxmantown Green, but I should doubt whether the troops were drilled on the new bowling green which had only just been laid out. *See* Calendar of Dublin Records for 1665 (IV, 356).

(3) P. 617 *and see* Index, *s.v.* Rawdon. The details of the letters to Rawdon are too many for mention in this preface.

(p. 636), and was in some way popular at Court and intimate with Lord Arlington. He escorted the Duchess of Ormond and her daughters to see the state entry of the Lord Lieutenant into Dublin, when the Lady Mayoress mistook him for a nobleman of France. On p. 672 there is a reference to the attack made by Bernhard van Galen, Bishop of Münster, on the province of Overyssel, which was done, as the historians relate, in concert with England. This warlike Bishop, as the Lord Lieutenant feared, was not supported in his attack. At one time the Swedes thought of rendering him assistance from the neighbouring territory, Bremen and Verden, which were still, of course, in their possession[1]; but their intention bore no fruit, and Bernhard von Galen made peace with Holland in April, 1666. On p. 673, we have evidence of the existence of wealthy Dutch merchants in the co. Clare, who probably come from Lord Orrery's settlement in Limerick. The memoranda on foreign affairs on pp. 680-682, are of great interest, but are hardly entitled to a place in an Irish calendar. At this moment (December, 1665) the French were on the eve of declaring war upon England and acts of hostility had already taken place between the two powers.[2] But would France actually declare war? And what would the results be? The Frenchman, real or imaginary, who engaged in conversation with Mr. Archer, thought that there would be no war, and he had evidently an accurate knowledge of the course of Continental affairs, since he predicted with approximate precision the combination of other powers against France which subsequently took place. It is interesting, too, to see that he does not regard the United Provinces, but France, as the actual enemy of England at the time. He is further well informed as to the internal affairs of England, where the King has many enemies amongst his subjects—as to the discontent of the Presbyterians, the watchful anger of

[1] *See* Ranke's *History of England* (ed. 1875), Vol. III., p. 485. *See* also the *English Historical Review* for October, 1906; p. 686, *et seq.*

[2] *Index s.v.* Baufort.

Scotland, which, like a crouching dog, waits an opportunity to assert her political and religious privileges. Sir Winston Churchill quotes Virgil on p. 699. The account of the annual charge for support and repair of the stores in Ireland on pp. 705-7 are of interest. The last of them is referred to in early despatches of the Lord Lieutenant and Council in 1666, and may probably be dated as of the winter of 1665-6. A few undated documents clearly relating to the period of the Acts of Settlement and Explanation are at the close of the volume.

I must again mention my debt to Mr. Francis Elrington Ball for help kindly given me in preparing this volume, and for having given me several useful suggestions for this preface. Mr. W. H. G. Flood has also been most kind in helping me to identify place-names, a task very difficult for an editor who does not know the Irish language. Mr. Crump, of the Public Record Office, and Mr. A. J. Butler have translated for me the few Spanish passages which appear here and there in the letters.

R. P. MAHAFFY.

Chancery Lane,
December, 1906.

ADDENDA AND CORRIGENDA.

Page 8, par. 2, line 3, *for* repairing *read* reprising.

,, 24, par. 3, line 6, *for* Sheiffield *read* Sheffield.

,, 39, second entry, last par., *for* Dr. Herne *read* Dr. Sterne.

,, 48, second entry, line 1, *for* Luke Bath *read* James Bath.

,, 47, second entry, heading, *for* Nicholas *read* Bennet, and at end of entry *read S.P. Ireland* 313, *p.* 76.

,, 60, third entry, heading, *for* Sir *read* "Sir."

,, 77, second entry, heading, *for* Patrick, Lord Birmingham *read* Francis, Lord Birmingham.

,, 87, line 7, *after* comedians, *for* full-stop *read* a comma.

,, 120, par. 4, line 2, *for Mary Jack read Mary*, yack [yacht].

,, 129, second entry, heading, *for* John Williamson *read* Joseph Williamson.

,, 134, line 3, *for* title *read* little.

,, 154, line 15, *after* "the late King" *dele* Colonel Warren, and line 16, *for* Allen Jepson *read* Alexander [?] Jepson.

,, 157, second par., last line but 2, *after* "two persons" *insert* "that."

,, 159, line 5, *for* 314, 4 *read* 314, 3*a*.

,, 160, par. 3, heading, *for* troops *read* troop.

,, 186, last line but one, *for* then *read* there [?].

,, 199, six lines from bottom, *for* Sir Thomas Jones *read* Sir Theo[philus] Jones.

,, 202, par. 4, line 1, *for* Commissioners *read* Commission.

,, 225, second entry, line 1, *for* 1660 *read* 166$\frac{0}{1}$.

,, 235, line 3, *for* address *read* additions.

,, 256, par. 2, line 5, *for* if they please *read* if he please.

,, 272, 8 lines from end, *for* Act of Parliament *read* Act of Settlement.

Page 275, 11 lines from end, *for* auditors *read* assertors.

,, 292, second entry, last line, *for* 20 *read* 23.

,, 344, note, *for* 1660-1661 *read* 1660-1662.

,, 357, third entry, heading and line 1, *for* Games *read* Gaines.

,, 373, last line but one, *for* from the Province *read* for the Province.

,, 399, third entry, first signature, *for* F. Ranelagh *read* A. [?] Ranelagh.

,, 442, second entry, *add at end* 91 *a.*

,, 451, last par., heading *should read* The King to the Lord Lieutenant for &c.

,, 454, last line, *for* Ballymoney *read* Ballymony.

,, 474, second entry, last line but 3, *for* Ormond's troop *read* Ormond's regiment.

,, 499, second entry, line 6, *for* [Brenanstown] *read* [Barnanstown].

,, 516, line 11, *for* adventurers *read* adventures.

,, 528, second entry, line 2, *for* Mildway *read* Mildmay.

,, 532, line 5, *after* Bishop *read* of.

,, 548, line 15, *for* Lislanie, &c. *read* Lisloanie [Lisloony].

,, 574, second entry, lines 7-8, *for* Sir John Temple's Solicitor *read* Sir John Temple, Solicitor[-General].

,, 576, line 6, *for* John has petitioned *read* James has petitioned.

,, 583, third entry, heading, *for* Clanbrassial *read* Clanbrassill.

,, 589, par. 3, line 1, *for* speciality *read* specialty.

,, 593, line 1, *for* this island of Kerry *read* the island of Kerry.

,, 595, second entry, heading, *for* Edward, Earl Herbert *read* Edward, Lord Herbert.

,, 615, second entry, line 5, *after* lady's health *insert* ".

,, 644, first entry, last line but 2, *for* Capooqueen *read* Capoqueen.

,, 662, line 3. The name Geffrys is so spelt in the MS. as here. Mr. Elrington Ball prefers Jeffreys.

STATE PAPERS, IRELAND.

CHARLES II.

1663.

1663.
3 Jan. Dublin Castle.

SIR GEORGE LANE to SECRETARY BENNET.

I have your letters of 23 December with those enclosed from the King to the Lord Lieutenant. These last I delivered to his Grace, and you will herewith receive his answer. The deputations you expect were sent away on 13 December and I hope they are in time to prevent any inconvenience to the King's service during my Lord's lieutenancy. The Lord Lieutenant has given you a hint in regard to the letter he and the Council sent you, from which you will see how desirable it is that the answer to it should be to him and them jointly.

I hoped to have orders from the Lord Lieutenant to send you a draft letter regarding Mr. Lye by this conveyance; but his Grace was ill on Christmas Day and I have not since been able to submit the matter to him. I hope to send it by the next. *P.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 1.

3 Jan. Dublin.

The LORD LIEUTENANT to the SAME.

I have yours of 16 and 23 December. The answer has been delayed by east winds. I hope the prosecution and imprisonment of Mr. Davys will make libellers look about them. He should be prosecuted to the uttermost extent of justice.

As to your younger brother, you will see from an enclosed copy of a letter to the King, which I wrote soon after the death of Sir Thomas Armstrong, what I recommended as to his troop. I have placed considerations before the King for a policy which the appointment of young Armstrong or your brother would disappoint. "Besides it would seem hard, and much discourage old officers that had served well and in high commands, to have any without these pretentions or some other of equal weight put over a good and faithful major of horse, and such [?] the Lieutenant of that troop hath been." I shall always be ready to assist in promoting

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your brother if you intend him for this country, but I know you will think fit he begin with a more "mennyed" [moneyed?] employment.

Yours of the 23rd answers the report of myself and this Council on the revenue of this country and on her insolvency. We shall endeavour to see how the necessities may be answered out of the grants you mention and by retrenchments, but the principal grants are now irrevocably past, and what remains will afford as little help. We have now to consider how the Guards may be supported by money saved by diminutions in the other army expenditure.

P.S.—I should like that when you have done with Sir James Shaen a formal answer to our long letter [concerning the revenue] be given him. *Pp.* 2½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 2.

3 Jan. Dublin. W[INSTON] CHURCHILL to [SECRETARY BENNET].

I have not troubled you with letters as I had not been able to further your business; but to-day Col. Talbot, my brother Coventry and myself met at Lord Anglesey's house where, after much discussion, it was agreed there should be a bill drawn up in behalf of those in possession for giving them a previous reprisal as in the case of those removed from the estates of innocent persons, who stand first to be adjudged by the order of the present Act, and because by our rules of the present Act the interest of no adventurers and soldiers can be adjudged until the claims of all proprietors be determined "and in respect those in possession of the estate expectant [or expected?] by you hold it unreasonable to quit their possessions till they are assured of their reprisals, therefore it was agreed that there should be a special clause in the Act for bringing their several interests to a speedy adjudication, notwithstanding anything in the Act of Settlement to the contrary, thereby to put you in present possession." Lord Anglesey has undertaken to draw the Bill himself "who appearing for the interest of those in possession we are very confident it will please them, for all that has been in difference between us hitherto, and which in truth I stood most upon, was the gaining the possession without a previous reprisal and that upon the account that we did better their estate in giving them any; but my Lord Lieutenant has hitherto been of opinion that there was something too much of force in that way, and they themselves seeming better content with a little bird in the hand rather than a great one in the bush, we are content to give them their own way to gain our end." We hope to be able to send you the Lord Lieutenant's approval by our next. We have not spoken to him since this was concluded. Sir William Dumvill is forward in your service and has entered a claim on your behalf independently of us. As it is this claim that we wish to stand by, we think you might acknowledge Sir William's action upon the next occasion you have to write hither. "There is a business of my friend Cliffords and Mr. Trelawney depending here upon a report of his to

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the Council. The least remembrance of it in any of your letters would leave a great obligation on him to be their friend." *Pp.* 2. *Signed. Not add. Endd.* "Answered 13th." *S.P. Ireland* 313, 3.

3 Jan. Dublin. LORD KINGSTON to SECRETARY BENNET.

It will be time enough after the holidays are over to ask the Lord Lieutenant "for at least your share and mine of the rents due to the King out of the forfeited lands of this kingdom, not disposed of by the Act of Settlement, though I intend to do it before I can expect your return to this letter; yet I should be able to effect it more expeditiously if you would give advice so to do and acquaint me with my Lord Duke's promise to you that your part should not be lost. It is very probable I may be able to give you very shortly a list of lands which, being forfeited to the King by reason of the rebellion begun in 1641, are again forfeited to him by the present possessors for want of payment of the half year's [rent] prescribed in the Act. If anything of that kind will be grateful to you, give me notice of it in a letter by itself; for 'tis necessary that the letter be such as if my Lord Lieutenaut desire I may show it to him." There is no news here; and all things have been at rest since December 19th and will be till January 8. It is not believed that the Act [Bill] of Explanations lately remitted will pass the Commons house here "the unlimited time allowed for judging innocents, the doubtful interpretation of 'and' and 'or,' the large exposition of 'living in the Irish quarters,' being much against the sense of that house." All the good we expect from the Bill will be that we shall not be troubled with desires of more, seeing that hath been dressed so ingratefully to their palate. *P.* 1. (*Hol.*). *Endd.* "Answ[ered] 13[th]." *Ibid.* 4.

7 Jan. [Dublin.] COLONEL TALBOT to the [SAME].

Recapitulates the facts stated in Winston Churchill's letter of 3 January above [*q.v.*] and proceeds:—The Bill orders the Commissioners to give [the persons affected by it] reprisals in Leinster and the possession, immediately after, to you. The Commissioners say that by the time the Bill passes they will have materials for it. This course is the only one which will take, and it will be adopted unless the Council disapprove, which is unlikely. Lord Aungier is earnest in the matter and expects a saving for his proportion of this estate; and that we shall have a reprisal of equal value. If this can be inserted in the Bill, you will be no loser. Lady Aungier is your kinswoman and her husband has promised her anything he may get by the Bill. Do not forget to write and thank Lord Anglesey. It will encourage him to continue working in your favour. I have secured Lord Orrery and the Lord Chancellor. You owe a debt to Henry Coventry and Churchill. I think we shall overcome all difficulties in this matter. *Pp.* 2¼. *Unsigned. Endd.* "Col. Talbot, Dublin." *Ibid.* 5.

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10 Jan. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

Transmitting by particular orders the draft of a letter concerning Sir Allen [or Allan] Broderick and recommending it for particular despatch. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 6.

10 Jan. Dublin. SIR ALLEN BRODERICK to the SAME.

I enclose the draft [mentioned in foregoing] which has been drawn by the Attorney-General in a form approved of by the Lord Lieutenant, in lieu of what the King allowed me on the fractions. This is for the same value in lands obtained by bribery, forgery, perjury and false admeasurements excepted out of the Act of Settlement which I humbly beseech you would present to the King with your usual generosity; in which case I cannot doubt success. The "mutual" passing of letters for Ireland heretofore by both Secretaries of State without their communicating with each other, begot a command that none should be effectual unless entered at the Signet Office; but, after the greater Act of Council that those only should be allowed which came recommended by my Lord Lieutenant, I thought the other rule would be deemed to have been superseded as useless. My mistake in this matter made me rude to you when I had not received or sent anything of this kind since my arrival. I now send a servant to attend your secretaries that, when the King has signed the letter, it may be brought back to your office and returned to his Grace for me. *P.* 1. (*Hol.*). *Add. Endd.* "Answ. January 24." *Ibid.* 7.

10 Jan. Whitehall. The KING to the LORD LIEUTENANT for the town of BALTINGLASS.

We are informed that the Lord Chancellor of Ireland is preparing to build a parish church in the town of Baltinglass, and houses for a minister and school master who shall be there, and whom he will endow, and also to build a bridge over the "river of Slaine" [Slaney] which runs by or through that town, and a market and schoolhouse there. For the encouragement of that good work we direct that Baltinglass, which is an ancient village, shall be made into a corporate town and be henceforth governed by a sovereign. Cornet Pinsent shall be the first sovereign, and shall have the usual powers; and the sovereign and burgesses may, whenever a Parliament is held in Ireland, send two burgesses thereto. In addition to the Court Leet and Court Baron now appurtenant to the manor of Baltinglass, there shall be a Court of Record there, wherein the seneschal appointed by the Lord Chancellor or his heirs shall hear all pleas not over £10 in value which shall arise in the manor. The Sheriff of the county and clerk of the market shall not interfere with the manor, and all fines levied therein shall go to the relief of the poor therein and to the repair of highways leading thereto. *Pp.* 1¼. *S.P. Dom. Signet Office V. pp.* 331-2.

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10 Jan. Whitehall. The KING to the Receivers under the Declaration of 30 November, 1660, for FRANCIS, VISCOUNT SHANNON.

Directing that he be paid £1,000 out of the sums paid in by the adventurers and soldiers. *Pp.* 1¼. *S.P. Dom. Signet Office V. pp.* 333-4.
Also draft of same. *Pp.* 1½. *Endd. S.P. Ireland* 313, 7.

Same. SAME to SAME for MAJOR JAMES WALSH.

£500 to be paid him out of the fund mentioned in the foregoing. *P.* 1. *S.P. Dom. Signet Office V. pp.* 334-5.

Same. Note of same for recalling Mr. Churchill and Mr. Coventry from Ireland. *Two lines. S.P. Ireland* 312, *p.* 10.

General date 13 Jan. DOCUMENTS RELATING TO THE CASE OF MARY WARREN AND THE CHILDREN OF THE LATE VISCOUNTESS TARA, HER SISTER.

Petition of Mary Warren to the King on behalf of herself, her nephew Viscount Tara an infant, and the other children of the late Lord Tara, showing that:—

Recites the recent order for their restoration, the inability of the Lords Justices to comply with it, and the order for £10 a week to them made pending such compliance. The petitioners offer to go without the mesne profits of the estates if they may have £10 a week from the date of the King's coronation. *P.* ½. *Underwritten with*—
Order, dated 9 January, 1661-[2], Whitehall, *and signed by* Secretary Nicholas, referring the petition to the Lord Lieutenant and Committee for the Affairs of Ireland, *and endd. with*—

Report of the Duke of Ormond, the Earls of Manchester and Anglesey and Sir Charles Berkeley on the foregoing petition.

Recommending that it be granted. *P.* ½. *Signed. The whole, p.* 1. *Endd. S.P. Ireland* 311, 8.

Petition of Mary Warren and the aforesaid children to the King, showing that:—

The King by letters of February and August, 1661, ordered that the petitioners should be restored to their estate in Ireland whereof they or either of them were seized on 22 October, 1661. The Lords Justices, being unable to restore them at the time, recommended that they should have an allowance of £10 a week for their present

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maintenance. On 17 February last[1] the King further directed that in consideration of the petitioners resigning the mesne profits of the estate up to such time as they should be restored, they should be paid £10 a week as from the date of the King's Restoration.

The petitioners have not received one half part of that allowance on the ground, as they understand, that the payment was not placed by the King upon the revenue applicable to that use. *P.* ½. *Underwritten with—*

Order, dated 16 June, 1662, Hampton Court, referring the petition to the Duke of Ormond, *and endd. with—*

Report[2] by the Duke of Ormond on the foregoing petition.

Recommends that it be granted. *P.* ¼. *Imperfect. In all, p.* ¾. *S.P. Ireland* 311, 9.

Draft of the King to the Lords Justices for [Anthony] Viscount Tara and Mary Warren.

Duplicate of the document calendared *in Calendar of S.P. Ireland* 1660-62, *p.* 412, *q.v. P.* 1. Dated 29 August, 1661. *Ibid.* 10.

Draft of the King to the Lords Justices.

Directing that Mrs. Warren have the wardship of the body and lands of young Lord Tara. *P.* ½. *Endd. Ibid.* 11.

Same.

The Viscountess Tara and Mary Warren, her sister, have petitioned us for restoration to the lands of their father Anthony, who died before the war. You shall issue a commission to inquire and report what lands Lord Tara died seized of and to settle them on the petitioners where not in the hands of adventurers or soldiers. *P.* ½. *Ibid.* 12.

The King to the Lord Lieutenant for Mrs. Warren and the orphans of Lord Tara.

We hear that, despite the letters sent to Ireland directing that Mrs. Warren and the orphans as above should be paid a weekly allowance, it has only been paid for twenty-four weeks, and direct that it shall be paid regularly. *P.* ½. Dated Whitehall, 13 Jan. *S.P. Dom. Signet Office V. p.* 347.

Also note of same. *S.P. Ireland* 312, *p.* 10.

Also entry of same. *S.P. Dom. Entry Books X, pp.* 27-8.

This concludes the documents relating to this case.

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(1) *See Calendar of S.P. Ireland* 1660-62, *Index s.v.* 'Warren' and 'Tara.'

(2) The back sheet on which part of this report is written is missing, but the remainder enables me to give the substance of the report.

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13 Jan. Whitehall. COPY of ROYAL WARRANT to the "COMMISSIONERS for EXAMINATION of CLAIMS" [the COMMISSIONERS of SETTLEMENT] in Ireland.

Directing them to dispense in the case of George, Duke of Buckingham with the clause requiring that claimants for land in Ireland should lodge their claims before the appointed day. They shall give him till 25 March next to put in his claim. *P.* ½. *Examined by* Thos. Kennedy. *Endd. S.P. Ireland* 313, 13.
Also entry of same. *S.P. Ireland* 312, *p.* 11.

Same. Notes of letters recommending Mr. Stanton to the Lord Lieutenant. *Two lines. S.P. Ireland* 312, *p.* 10.
Also entry of same. *S.P. Dom. Entry Books X. pp.* 28-9.

14 Jan. Dublin. SIR ALLEN BRODERICK to SECRETARY BENNET.

Pressing for a grant from the King. All grants not yet past the Great Seal have been stopped and he has lost by surrender all that the King gave him, and now asks for only half the value. Has long served the King and never received a penny. *P.* ⅛. (*Hol.*). *Add. Endd.* "Answ. Jan. 24th." *S.P. Ireland* 313, 14.

14 Jan. Dublin Castle. SIR GEORGE LANE to the SAME.

Yours of 31 December and 3 January reached me together. I at once delivered your letter and one of your declarations to the Duke; and have disposed of several others to persons of quality. Here Mr. Legge was not more mortified at the procedure in reference to the grant of odd acres than Mr. Coventry was unsatisfied with those persons who pressed for the revocation of it. But you will find by my Lord's they had better have let it alone. For my part I never knew of so much as a design upon that affair for the society of Gresham; much less of any engagement of my Lord's which I suppose passed verbally from him when he was there. If I had I would have minded his Grace of it.
I have been pressing the draft concerning Mr. Lye on the Lord Lieutenant, but he has not had time to read it. *Pp.* 1½. (*Hol.*). *Add.* "for yourself." *Endd. Ibid.* 15.

14 Jan. Dublin. HENRY COVENTRY to the SAME.

By a letter of yours to the Lord Lieutenant which he has shown me I find our fractions routed more than one way, the first by a grant to Sir James Shane, the last by the King himself, he having commanded that no grant be confirmed that hath not yet passed the seal, but be disposed of to the best advantage for the public. I willingly accede to this rule. Even if I had had anything in possession, which I had not, I should gladly resign it at the King's command. If, however, the King exempt these fractions from the

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general rule I shall be much afflicted to see Sir James Shaen, who is a man either very ill or very mistaken, have so great an advantage over my brother Legg and myself, as to upset a grant legally given to us by merely using the name of Gresham College, and upon no pretence of any grant orderly obtained. Gresham College is to get very little out of it, as the bargain is already concluded and the main share will fall to Sir James and to a lord or two who are his partners. Their names I hope to send by the next post, and also evidence regarding the whole intrigue. My dignity of Commissioner has not met with much respect here already, as my Lord Berkeley and those that have been here can tell you; but when they shall see we receive so fair a fall by Sir James they will think that I have been sent here rather in banishment than for the King's service. I had rather lose the best portion of my small fortune than that he should thus triumph over me, who should certainly receive a pardon before being granted anything else. I have never received a shilling for any request I made or obtained in this service, and have not received, "bribes and all counted," ten pounds. I have all the time maintained myself, five men and eight horses "and just now I have received an order from the States of Zealand within a month to return to my company or to be cashiered." My estate is small, and I pray that my grant may be confirmed.

Dic[k?] Talbot has no doubt told you of a meeting at Lord Anglesey's when it was resolved to draw up a bill to pass the Parliament for repairing those that are upon my Lord Clonmelyroe's [Clanmalier's] estate. My Lord thinks it will pass; and the adventurers and soldiers will approve it, for it will much improve their condition. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 16.

14 Jan. Dublin. The Lord Lieutenant to Secretary Bennet.

I have yours of the 30th and 3rd. I have heard from your brother secretary of the "extraordinary audience" given the Muscovite. I have not seen anything from him on the subject of the Declaration, "which gives our Roman Catholics here no wine except what they think is at least sufficiently qualified. If it be thought good for them by others, some of their palates must be out of taste." You should know that people here say that my Lord of Bristol is the penman.

Knowing that the King will take my advice before expressing his pleasure, I shall be the more careful that nothing pass hence except what is fit for his service. "I confess I moved [?] something for Gresham College, but that it was the same thing for which I recommended Mr. Legge and Mr. Coventry I do not remember, nor do much blame my memory for it, since there are so many confounding shreds in that Act." The King's order not to pass any more grants relieves me in this matter. If in future anything should be sent hence which I do not wish the King to agree to, let the mark of it be that it wants my recommendation in my own hand.

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The Commissioners for executing the Act sat this day for determination of some causes. Of three that were before them two were judged innocent and one not. "If the lottery would hold out so to the end of their commission it would prove no ill one for the Irish."

The French Gazetteer *à la main* has two or three mischievous notices about England; such as that there are 30,000 Frenchmen ready to help the King of England to keep his mutinous subjects in order. In these suspicious times an ill use may be made of these notices. They are supposed to be most authentic, though everyone knows they can be had for money. *Pp.* 2¼. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 17.

16 Jan. Note of Warrant to the Lord Chancellor of Ireland to stop the Earl of Mount Alexander's grant of Allen's estate till further order. *Four lines. S.P. Ireland* 312, *p.* 10.

16 Jan. Whitehall. The KING to the LORD LIEUTENANT for SIR MAURICE EUSTACE.

Directing that he be made second sergeant-at-law in Ireland, with the privileges held by Sir Nathaniel Catlin, and Sir Audley Mervin—to hold the place during good behaviour. *P.* ½. *S.P. Dom. Signet Office V. p.* 337.

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 10.

Same. SAME to SAME for SIR JOHN EUSTACE.

Directing that he be appointed third baron of the Exchequer in Ireland in the room of Thomas Dungan who "is grown old, sickly and very infirm," and is ready to resign. *P.* ⅔. *S.P. Dom. Signet Office V. pp.* 337-8.

Also note of same. *Four lines. S.P. Ireland* 312, *p.* 10.

Same. SAME to the COMMISSIONERS of SETTLEMENT for the DUKE OF YORK.

The Act of Settlement provided (*details given*) for the making of all claims for restoration to lands in Ireland before a certain day, and that day has now passed. The Duke of York has not been able to make his claim in accordance with this provision, because many of the lands belonging to him are concealed from him and from those who are endeavouring to search them out for him. We direct that, notwithstanding this non-compliance you shall hear his claims. *Pp.* 1½. *S.P. Dom. Signet Office V. pp.* 338-9.

Also draft or copy of same. *P.* 1½. *Endd. S.P. Ireland* 313, 18.

Also note of same. *Four lines. S.P. Ireland* 312, *p.* 12.

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ENTRY OF PETITION.

Sir John Devillier desires that as the King has conferred a knighthood on him, and as he has not the means to support that dignity, he may have such lands of the King's in Ireland as he may discover of the value of not more than £500 a year.

The King recommends petitioner to the Duke of Ormond. *P.* 1. *S.P. Dom. Entry Book XIII. pp.* 204-5.

17 Jan. [Dublin.] WINSTON CHURCHILL to [SECRETARY BENNET].

Your affair goes slowly. The Bill is drawn up and has been discussed in Council and committed. Lord Aungier holds out for possession of his estate and tells me to let you know there is a clause in the Bill for giving you a reprise of equal value. It is possible that he being of the Council and a peer and—what is more—related to my Lord of Anglesey [who questionless put it into his head] may give some trouble if he should not be satisfied. We had best let him have his own way for the present. *P.* ½. *Endd. S.P. Ireland* 313, 19.

Same. The LORD LIEUTENANT to [SAME].

I am obliged for the King's and your confidence. [Details.] I am in difficulties about my daughter and Lord Chesterfield. Lord Chesterfield's "extravagant proceedings" must deprive him of the "esteem and opinion of all sober men." I do not know "how to govern myself to redeem my daughter from the afflicting life that seems to be prepared for her and my Lord of Chesterfield (for whose person and disease I have kindness and compassion) from that scandalous state he has brought himself to." My daughter's condition will not admit of her coming over, and if she did come, and without him, it would look like, and perhaps prove, a separation. I shall hope to get him relieved of court attendance altogether and, if I can arrange a scheme, shall ask for your support of it. *Other details. Pp.* 2½. *(Hol.). Add.* 'For yourself.' *Endd. Ibid.* 20.

21 Jan. [Dublin.] SIR WILLIAM DOMVILE to the SAME.

Mr. Clifford and Mr. Trelawny's business has only just come to my hands. Though referred by the King some time ago it lay unminded. We have reported suggesting that the petitioners should have a grant of any concealments which they may discover. Am consulting with Lord Anglesey as to sending a bill for your better security in Clanmaleira. We shall endeavour to frame it so that it may pass the Commons without objection by adventurers or soldiers. *P.* 1. *(Hol.). Add. Endd. Ibid.* 21.

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21 Jan. [Dublin.] HENRY COVENTRY to SECRETARY BENNET.

I have your orders to Churchill and myself to return. We shall start together, I suppose, next week. The order to pass more grants has been a greater *Remora* than Gresham College, for which I do not find the Lord Lieutenant much inclined. They have not sent the King's letter, but one of their own in which they state their pretensions, complain of your remissness and give the Duke notice of what the King hath given them and order him (or so it seems [?]) to stop all precedent grants. Their letter is signed Bruncard—"I believe the first time that a Lieutenant of Ireland had the King's commands signified to him by a mathematicall President! I do not find his Grace so pleased with him as that he will quit his correspondency with the Secretary of State to receive the King's orders from Gresham College." I shall soon be able to tell you in person about our affairs. The English interests are so alarmed at the restoring of one or two innocents—an act of justice, and therefore, an unheard-of crime in this land—that they are going to make complaint of us. Here, there is no news "nobody worth dying, nor do we take notice, as I hear men do with you, of anybody born or like to be born." *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 22.

Same. SIR GEORGE LANE to the SAME.

Concerning commissions for the post of a major of militia for Bristol and two deputy-lieutenants for that city. *P.* ½. *Add. Endd. Ibid.* 23.

Same. SIR JOHN TEMPLE to the SAME.

I received a letter by the last post from Sir Robert Longe, wherein he was pleased to tell me of your desires to be particularly informed concerning the estate of the Lord of Clanmalery [Clanmalier] lately granted by letters patents to you here. I shall endeavour to serve you and appreciate your abilities. I hope the reversion which has fallen to you may be turned into present possession. The owners of the estate were "an old Irish family inveterate enemies of the English nation." They took an active part in the late insurrection and I think the estate will certainly be forfeited. As for the soldiers and adventurers to whom it was set out, it appears to me that the reversion was absolutely vested in the Crown, and the entail determinable upon default of heirs males now near extinct. I believe it will be easy to compound with them. Men are doubtful now and jealous of their new acquisitions, and great quantities of lands may be bought for reasonable sums. I shall see if a point of law, suggested in your case, favours you, and will let you know. The estate is a very good one in King's and Queen's Counties "much of it within very little more than 20 miles of Dublin, upon the navigable river of the

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Barrow, very well wooded; and though great spoils have been made in the usurper's time, yet I hear there is a good store of timber yet remaining upon the lands." It was the Dempsey's country, and contains quantities of good land as well as waste land to the extent of many thousands of acres. I shall send you particulars later and shall be pleased to receive instructions to act for you in the matter. *Pp.* 2. (*Hol.*). *Endd. S.P. Ireland* 313, 24.

21 Jan. [Dublin.] The Lord Lieutenant to [Secretary Bennet].

It was in accordance with our duty that we (the Lord Lieutenant and Council) certified on 29 November last that the revenue and profits of this kingdom, certain and casual, fell short of the charges by over £59,600; that the King's debt is more by over £39,500 than all the expected subsidies can ever pay. As the army cannot be reduced, we asked for £60,000 to support the army and urged that such expenditure would turn out to be remunerative.

This sum could not however be sent us; and we were told not to expect it; but attempts were made in England to see if Ireland could not do something for its own ease. The stopping of all grants not yet past the Seal was agreed to, and the disbandment of the worst part of the army, the regiment of the King's Guards being entertained out of their pay.

I think it my duty to offer some particulars in answer to your last letters. I regret the need of money in England very much; but if it is great with you it is far greater with us since "here is the only standing army in the three kingdoms." If this army should break out into disorder, great mischiefs may follow in so unsettled a Kingdom as this is.

As to your representing that this country should help itself, I have to say that all the possible expedients were carefully considered at the time of our letter of November 29th. The revenue, though short of our needs, is double what it was before the insurrection, but the bills sent from England in regard to customs and excise will result in a diminution of £6,000 a year. The House of Commons would not pass the bill for licensing the sale of wine and *aqua vitæ*, which would have brought in £6,000 a year; and the alternative scheme which that House proposes is not yet before me. In any case, it cannot help us in the present as it has yet to be completed and cannot quickly yield its results. The stopping of grants too will help us little.

As to the payment of the King's regiment of Guards by means of diminishing the others, that course will lessen the army. The cost of that regiment, which is to be paid for thirteen months in the year, will be over £24,500. In order to raise that sum we must disband eleven foot companies and five troops of horse, and would then still have £1,141 to make up, so that another company and eight privates (pay £1,142) will have to be disbanded. If we disband over twelve companies we shall have to pay them, on disbandment, their arrears, which amount to over £21,330; or rather, as the arrears

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have, as to some part of them, to be computed on the old establishment, to £24,190. We could not compound for this sum, though, if we kept the men in service for some time longer composition might be possible. To disband them unpaid would be dishonourable and dangerous. To pay the Guards at one rate of pay and the other soldiers at another would certainly engender jealousy; but, at the lower rate of pay, the Guards could not live in Dublin.

I must now press again the suggestion that £60,000 should be sent over. It is absolutely impossible to raise any money here. Moreover Sir Thomas Viner, who advanced £100,000 for the state got as security assessments on counties which bring him in £130,000; so that he has £30,000 [in England] which are in the King's disposal. The remaining £30,000 should be raised in one way or another. The matter is so extremely urgent that I must ask that our despatch of 29 November be reconsidered, and that the £60,000 may be sent us. It will enable us to meet our obligations, and to pay the Guards for two years, at the end of which time I hope the country may be so settled as to enable it to contribute more largely to the public charge of the kingdom.

If this sum cannot be sent, I pray for further instructions. *Pp.* 8½. *Signed. Endd. S.P. Ireland* 313, 25.

22 Jan. Whitehall. The KING to the LORD LIEUTENANT for SIR ALLEN BRODERICK.

Recites the grant of 25 Feb., 166⅔ [set out in letter of 20 Nov., *in Calendar of S.P. Ireland*, 1660-1662, *at p.* 630-631] and Broderick's surrender in the Duke of York's favour, and proceeds: The Declaration and Act of Settlement and the Instructions provided that, in confirming the estates of adventurers and soldiers, there should be no confirmation of estates in obtaining of which any bribery, forgery, or subornation of bribery or forgery, had been used or practised, or of any estate set out by undue admeasurements. The Act further provided that nobody who was or is disloyal or opposed to our restoration should profit by the Declaration. The Declaration and Instructions are now law, but with the limitation that where land is taken away from an adventurer or soldier on the ground of its having been obtained by false admeasurement or perjury, the subtraction shall be so made as to leave to the occupier, as far as may be, the value of his improvements. Out of the lands so cut off you shall make a grant of land to Broderick equal in net value to half the estate which he has surrendered.

His grant shall have precedence of all other charges on these cut off lands. *Pp.* 3½. *S.P. Dom. Signet Office V. pp.* 339-343.

Also note of same. *Two lines.* With note that it is entered at large at Signet Office. Dated 23 Jan. *S.P. Ireland* 312, *p.* 11.

24 Jan. Dublin. The LORD LIEUTENANT to the KING.

I find it impossible to persuade the Council to approve your Bill for restoring the Marquis of Antrim to his estate. I am anxious

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not to bring it before the House unless the Council approve it, and they were unanimous against it. *P.* 1¼. *Endd. S.P. Ireland* 313, 26.

27 Jan. Whitehall. The KING to the LORD LIEUTENANT for CAPTAIN RICHARD ST. GEORGE.

Directing that though, owing to age and weakness, Captain St. George has given up his company in Ireland to Captain John Brampston, he shall nevertheless still have his pay as captain, for life. He shall be inserted in the establishment. *P.* ½. *S.P. Dom. Signet Office V. pp.* 343-4.

Also note of same. *S.P. Ireland* 312, *p.* 12.

Same. SAME to SAME for MAJOR ELLIS GOODWIN.

Goodwin prepared himself to practise as a barrister before the late troubles, but, though qualified, did not take steps to be called, as he took arms in our father's service at the outbreak of the late troubles. You shall grant him the degree of "councillor and barrister-at-law" in Ireland by letters patents under the Great Seal. Favourable clauses; and a *non obstante* for the Act of Henry VIII. *Pp.* 1¼. *S.P. Dom. Signet Office V. pp.* 344-5.

Also note of same. *S.P. Ireland* 312, *p.* 12.

27 Jan. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

Discusses the revenue difficulties of Ireland. Asks that his long letter [*above pp.* 12-13] may be presented to the King. Is very anxious not to take a step which will involve the cashiering of many well-deserving officers. There are many such, though the men and non-commissioned officers are often unworthy. It is difficult to select the troops to be disbanded. *Pp.* 2½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 27.

Same. SIR GEORGE LANE to SECRETARY BENNET.

Sending a public and private letter from the Lord Lieutenant [probably *Nos.* 25 *and* 26 *above*] and some blank commissions, and a bill of exchange for a fee for a letter concerning one Goodwin. Hopes to send the same fee for Lord Shannon's letter when he gets it.

Lord Windsor has arrived at Kinsale from Jamaica. *P.* ½. (*Hol.*). *Add. S.P. Ireland* 313, 28.

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28 Jan. Whitehall. The KING to the LORD LIEUTENANT for LORD DUNGARVAN, son and heir of the EARL OF CORK.

Directing that a writ be issued under the Great Seal, summoning Lord Dungarvan to sit in the House of Lords in Ireland, with all the immunities and advantages appertaining to that privilege. *P.* ½. *S.P. Dom. Signet Office V. p.* 343.
Also entry of same. *S.P. Ireland* 312, *p.* 13.

28 Jan. NOTE of JUDGMENT by the COMMISSIONERS of SETTLEMENT in IRELAND.

Present: Henry Coventry. Sir Edward Smythe.
Sir Edward Deering. Edward Cooke.
Sir Richard Rainsford. Winston Churchill.
Sir Thomas Beverley.

Between

Edmund Meara, Doctor of Physic, *plaintiff*,

and

The Attorney-General, as Trustee for the 49 officers, *defendant*.

The matter of Meara's petition for restoration to lands therein mentioned was to-day opened and counsel and witnesses for the plaintiff and counsel for the defendant were heard. The Court decided that the plaintiff had not made due proof of his title to the lands and ordered the claim to be dismissed. *P.* ½. *Signed by* Thomas Kennedy, clerk to the Commissioners. *Endd. S.P. Ireland* 318, 29.

31 Jan. Dublin. SIR ALLEN BRODERICK to SECRETARY BENNET.

I have yours of the 24th and the Lord Lieutenant promises that I shall have a grant in due time. I am very grateful to you and the Lord Lieutenant. I shall take care to have the Bill dispatched when it comes into the House of Commons and see that those on the estate be soon reprised. *P.* 1. *Signed. Endd. Ibid.* 30.

END OF JANUARY, 1663.

1663. FEBRUARY, **1663.**

2 Feb. Dublin. S. C. to PATRICK MULLEYN at his lodging in the Strand [London].

My Dear Patrick,

Yours by the sure messenger Darmest I gladly received and imparted it to our trusty friend R. C. together with T. L. who confirms, more fully than you, the *Somerset* proceedings. We are merry, by the help of a good glass of seck to think "how neatly His *Majesty* drolls those *fanatics* by that well worded *Declaration* and how prettily disjoins their *whining saintships*, that might otherwise, if twisted *become* a *stubborn cable*. As we know it is Catholic to believe that our lady hath a command over her son, so we are infinitely satisfied to see our most excellent Maria of France by so powerful and prevailing an influence, commanding His Majesty as a useful instrument of the Catholic cause, and, by a little cherishing those untamed colts that are run out of the church by schism and sedition, we shall at last be able to bridle the wilful and hang the obstinant, which by a too hasty prosecution, might become impossible. In a short time a Fast commanded by His Majesty as upon civil accounts shall be esteemed Catholic obedience; for the terms already import the same by the vigils and ember weeks.

"As to our proceedings here they are methodized exactly according to the advise [advice] of G. D. and Wise Watt; we are not to be too public in our practice of the religion Catholic, nor to cause an over suspicion of the noble Duke for his tenderness to the Holy C., while there are so many of the *Presbyterian rebels* in council and command, which must be singly struck at one after another, and not at once.

"We have began well with the bloody T. J. who spared the Catholics no more than his dead brother did a subject; and I think you remember the *Coolts* [Cootes?] whom we have to say to, as to the chief of them that when he was alive [he] gave commandment to hang a gentleman because his name was *Steward*; which will in time be remembered against that cursed name of his, to the taking away of a *Colony*[1] at least from the coxcomb his son, and then how like a *pitiful Lord* will he look! The next to be singled out from the herd is *Broghill* who is both a *rebel* and a *heretick*. Could we get this Parliament over, which we trust in God will not be long lived, we have sure lads beyond sea to use the arms which now the rebels carry. *Anglesey*, though a councillor of both Kingdoms is no better than a fanatic, Massereene a *Presbyter* and damned traitor to King and Church; these all must follow *cum multis aliis*."

We are perfectly steered by the *Somerset Cabal*. It would do a Catholic good at the heart to hear how wisely the noble Duke worries them out with his nocturnal consults and makes them spend themselves to the bare bone in claiming. Being resolved beforehand what to do, he drained them to the dregs and, having reduced

(1) Perhaps a pun on Collooney. Richard Coote, Lord Collooney was brother of Sir Charles Coote, Earl of Mountrath.

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the rogues to a morsel of bread, then and not before he restores the lands to their former proprietors. We shall then cure the rebels quicker with the halter than with a sword. A Catholic jury will with great facility ease the church of heretics and, at the same time, the King of rebels.

The law will speak for us and the next Parliament must perfect it; but at present this is thought the best way of proceeding to crush the fanatic officers "by pealing their rind," and imprisoning some of the leading men "and seem to juggle the meaner sort by a pretended thing like that of the King's *Declaration*, for the short-sighted fools will be soon satisfied with this dandling that for a while their suspicion will be laid aside, and by consequence the heads of them rendered powerless as to any difference. But when the army is made *Catholic loyal* we may deal with root and branch." In the meantime if the Independents and Anabaptists are only indulged they will think the worst usage good enough for the Presbyterians, and so the two dragons' heads will never unite." "You know the old proverb that all evil cometh out of the North; and the North is to be eyed to be most numerous and so short a cut from the head of heresy and rebellion and the crop-eared covenant teachers, the Reverend Bishops (for we now so call them) have all yielded to the Cassandrean way." It is our policy to applaud, and seem to agree with the Holy Catholic Church, that so the cause of the Apostolic see may be advanced. F. R. and Sir W. send their benediction with Mr. F. *Pp.* 1½. *Endd.* (1) "News from Dublin, or letter from Ireland written to a friend in London, Feb. 2, 1662[3], which accidentally became thus public," and (2) "The letter designed to be printed Mrs. Calvert." *S.P. Ireland* 313, 31.

4 Feb. [Dublin.] COLONEL TALBOT [to SECRETARY BENNET].

I had yours of the 24th and gave it to Lord Anglesey, who is to bring in the bill on Saturday next. All the difficulty that will be in the whole will be to find out materials to reprize the adventurers and soldiers now upon Clanmallyro's estate who are first to be reprized before you can have possession. We could not have got the bill through the house without that provision; but I think I shall find [?] you the materialty [?] though it be much to my own loss. You remember that I often spoke to you of one Mr. Allen of St. Woolstons, in whose estate Lord Berkley and I had an interest. I had his case tried yesterday and though he was as innocent a person as could be "yet the horrid practices of my Lord of Mount Alexander suborning witnesses against him" will I fear prove him nocent. You should therefore get a letter from the King to the Lord Lieutenant directing that Allen's property be used for reprising the adventurers and soldiers who are now on Lord Clanmallyro's estate. The Earl of Mount Alexander has only a grant of it, which is revocable, and a hasty despatch will prevent the *fiant* thereof from passing the seal.

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You formerly sent me such a letter, but a subsequent letter sent by Secretary Morris' way ordered the passing of the grant. Nevertheless I have put a stop to it; and will [continue that stop] till you relieve me by another. When the King knows that what he hath given to Mount Alexander is worth £2,000 a year and all about this town "and that he himself is the greatest cowhyerd [*sic*] living" he will perhaps think fit to recall it. In fine, do but recall his grant and I shall answer for it you will be in reversion [?] of Clanmallyro's estate in three months. This estate is now set at £4,000 a year and is improvable to £6,000 if well managed. Press on this matter and say nothing about it to Lord Berkley till it is through; for that would hurt us. In the alternative send the King's letter directing the Commissioners not to invest Mount Alexander in the estate till his Majesty's further order. *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 318, 32.

7 Feb. Dublin. The Lord Lieutenant to the King.

Your Majesty's command relieves Mr. Coventry of an uneasy [?] task. The few decrees which the Commissioners have made have raised them so many enemies as there are persons whose cases lead them to think that, on the principles of the decisions published; they will be cast. I am sure they have acted impartially and in accordance with the rules laid down for them in the act for which your Majesty received the thanks of those who are now displeased; and these are mostly the English, both those who served for and those who served against you. This general discontent will not I hope cause any disturbance; but if it should the army is in a very ill state to repress it; for there is nothing in the Treasury to draw or keep it together. I shall endeavour to avoid that, but ask your Majesty to think how useless a thing is an army which cannot be kept together for want of means. It was for this reason that I asked for a subsidy from England.

If we cannot keep the army together it will always be in the power of a few desperate men to start a commotion, with regard to which no one can say where it will end. If it be sent, I beg it may be in coin and not in paper "and I engage myself no necessity whatever except that of subduing a rebellion or resisting an invasion shall break it," whilst I am here. *Pp.* 2. (*Hol.*). *Unsigned. Endd. Ibid.* 33.

Same. Colonel Talbot to Secretary Bennet.

I hoped to send you your bill by Mr. Coventry, but cannot, for it is not yet brought in to the Council. He has been forward in advancing your case. He has done much to save innocent people. Without him none would have been saved, and it is to their destruction that he is removed, as we think, by the procurement of those who want the whole country for themselves. *Other details* as to Mr. Allen, &c. [*see* last letter of Col. Talbot]. *Pp.* 2¼. *Unsigned.* (*Hol.*). *Endd. Ibid.* 34.

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7 Feb. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

Mr. Coventry is gone over and will soon be with you. I have yours concerning Lady Menshall [Minshull] and Lady Bolton by Mr. Plunkett. The Lord Lieutenant is anxious to help her and saw Mr. Plunkett; but it turns out that the matter is one for the Commissioners of Claims. Lady Bolton is very ill, but if she recover I will attend her and learn how I may be serviceable to herself and daughter. I have claimed money from those who owe it to you, and send your fee from Lord Shannon.

The Lord Lieutenant will restore Mr. Lye, who is related to me —and may be more closely so by marriage. His Excellency will act on the letters to the late Lord Justices and their successors. *P.* 1. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland.* 313, 35.

7 Feb. Dublin. The EARL OF CARLINGFORD to [SAME].

A fragment. Professes gratitude for kindness received. *P.* ½. (*Hol.*). *Endd. Ibid.* 36.

7 Feb. The EARL OF MOUNT ALEXANDER to .

Madam—

Since the date of this, my cause has been heard and judged against me, though fourteen witnesses swore to eminent acts of rebellion against the person of James Allen, "defining him by" James Allen who lived at Rahara and afterwards at a place called Locher. His witnesses defined him by those places and my witnesses proved "that he was a captain at the seige of Drogheda, that he was the man who had the management of passing the chain over the river to stop relief by sea": that he went to the country to bring in all the plough chains: and that he levied contributions. A mother of a man whom he had pressed gave evidence against him. *Other details.* Their witnesses swore there was one James Allen, son to Alderman Allen of Dublin, at Drogheda, who put the chains over the river and that he answered to the descriptions given by my witnesses, "but the levying the contribution, and pressing the man, rested still upon my James."

His witnesses could not deny but he lived in the rebel quarters. Only one attempted to say so and he failed in cross-examination. Four of my witnesses who were called to identify him [as having lived in the rebel quarters] picked him out in open court out of a throng of 500 persons, each picking him out independently. On this clearness 100 to 1 was offered on my side, yet on Thursday last the court adjudged him innocent, which makes all the English say there is no use in bringing any evidence to that bar. One of my counsel said in dealing with the evidence, "Sirs, if you judge this man innocent, we must believe the English cut one another's throats and that there was no Irish rebellion or rebels." *P.* ⅔. *Signed. Endd. Ibid.* 37.

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PETITION of CAPTAIN CHARLES RELLY to the KING, showing that:—

Petitioner served in the Earl of Bristol's regiment and afterwards in Colonel Farell's beyond seas during three years past. He is now anxious to return with his wife and family, and asks for a pass to Ireland. *P.* ½. *Followed by*—

10 Feb. CERTIFICATE by .

Captain Relly was "reformed in the Earl of Bristol's regiment in the King's service beyond seas in 1659, and has since continued and served the King in that regiment which was conferred on Col. Farrell." I was Lieutenant-Col. at the time and can certify his good deportment. *P.* ½. *Signed* C. Feral [?]. *In all, p.* 1. *Endd. S.P. Ireland* 38.

11 Feb. ENTRY of the KING to the LORD LIEUTENANT for CAPTAIN JAMES ROACH.

We have licensed Captain James Roche, "now serving us in the quality of adjutant of our guards," to go to Ireland to prosecute and settle his affairs there. We have made certain grants and leases of land in Ireland to him in consideration of his services here and abroad. He cannot profit by these owing to his constant attendance here. We recommend him to your special care. *P.* 1. *Entry. S.P. Ireland* 312, *p.* 14.

Same. SAME for CAPTAIN EDWARD SARSFIELD.

Recommending him for employment or pension in Ireland. *P.* ½. *Entry. Ibid. p.* 15.

11 Feb. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I have received the King's letter in favour of Sir A. Broderick. I do not think I desired any letter to give Gresham College the benefit of the fractions reserved by the Act of Settlement to the King. *Other details.* Mr. Coventry is removed seasonably, for his own ease, from a troublesome employment. *Pp.* 2. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 39.

11 Feb. Dublin Castle. SIR GEORGE LANE to the SAME.

I am ill. I shall answer yours if I can by the next. *P.* ⅓. (*Hol.*). *Add. Endd. Ibid.* 40.

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11 Feb. Dublin. THOMAS PIGGOTT to COLONEL EDWARD VERNON.

I ask for your assistance in the matter of getting a King's letter for my brother. It is only designed to amend the old claim. *Qui cito dat, bis dat.*

"I am most heartily, dear Vernon,
Your affectionate faithful servant,
THOS PIGOTT."

P. ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 41.

12 Feb. SIGN MANUAL WARRANT to the LORD LIEUTENANT.

By the Act of Settlement all sums forfeited by adventurers or soldiers for not paying in their due sums under the acts for the adventurers for lands in Ireland are vested in us. These forfeitures, called lapsed money of the adventurers, and also "the original moneys of such adventurers who received an accepted satisfaction for the same out of the crown lands, church lands or other lands formerly exposed to sale in this kingdom, of whose respective interests therein, in pursuance of our instructions to our late Commissioners here for that service, consideration hath been taken upon the leasing of our crown lands; by reason whereof the respective satisfactions for their said adventures in that kingdom, which by the said Declaration are confirmed and ought to be satisfied in like manner as other original adventures, are devolved unto us," and are not to be allowed to the several adventurers. You shall grant Sir James Shaen one-third of the lapsed money and of the adventures satisfied on Crown lands, Church lands, &c., in Ireland, and of all the houses, lands, &c., there which shall be set out in satisfaction for the same. He shall hold them at a rent of £50 a year. Lands in Louth and Kildare equal in value to this grant shall be forthwith set out to Sir James, according to the rates originally offered to the adventurers. He shall have power to sue for arrears due to us out of such lands and, after deducting £1,000 out of his first profits, shall pay us £1,000 to be laid out in building public works there. He shall not, without leave of the Chief Governor, aliene any part of the lands. Full and beneficial clauses for execution. *Pp.* 3½. *Add. Ibid.* 42.

Same. ENTRY of the KING to the LORD LIEUTENANT for LORD BERKELEY.

Many houses in Galway town have been assigned to satisfy the officers who served in Ireland before 1649, of which you are trustee. Many of these are falling into decay owing to your not knowing to whom you should allocate each house. This is bad for the trade of the town. You shall give Lord Berkeley preference in the purchase, and shall speedily settle him. *P.* ⅛. *S.P. Ireland* 312, *p.* 15.

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ENTRY of PETITION.

Sir Amos Meredith desires a favourable reference and a warrant to the Lord Lieutenant to grant him something out of the moneys paid in by the adventurers, out of which the King has bestowed sums on his suffering subjects there.

13 Feb. Whitehall. The King directs reference to the Duke of Ormond and desires his special care in this case. *P.* 1. *S.P. Dom. Entry Book XIII. p.* 214.

13 Feb. PRINT of the speech of SIR AUDLEY MERVIN, His Majesty's Prime Sergeant-at-law and Speaker of the House of Commons in Ireland delivered to the DUKE OF ORMOND [1] as Lord Lieutenant in the presence Chamber, Dublin Castle.

I am commanded by the "knights, citizens and burgesses" in Parliament assembled to present their acknowledgment. This attendance of the House upon your Grace "may carry the signification of a hand in the Margent" to point out something more than of ordinary observation. Our address is so important that the House thought it well not to entrust it to the bare expressions of a Speaker. "Therefore have they committed it to this instrument that it might remain as a record of their endeavours that the hard fate and ruin of an English interest in this kingdom might not bear date under the best of Kings, under so vigilant a Lord Lieutenant, under the first (and, if not prevented, like to be the last) Protestant Parliament that ever sat in this kingdom. It would confound astrologers to observe such planets, such masculine planets ascending in conjunction in the houses of their exaltation; and yet this kingdom to be planet-struck."

This is the time to speak. The established religion is in danger from Popery "and believe it, Sir, whatsoever delusive tenents [tenets] have been broached of late, the contrary hath been written in letters of blood not in His Majesty's kingdom only, but wheresoever the Papal power was exalted," that persons preferring the reformed religion are but tenants at will for their lives and fortunes (and through centuries of ages it appears that as their fleeces grow they are shorn) till a time of slaughter be appointed.

We have been called to give advice "*ne quid detrimenti respublica capiat.*" "This is the time when this poor miserable and unfortunate kingdom, fruitful by the blood of the English and placed as a greedy grave to bury their treasure in from age to age, is upon its new module. It is now in its mintage and our care must be that the mitre be not stamped instead of the Crown. It is not long since Ireland was offered for sale to the mitre, as His Majesty's interest was prostituted to every Roman Catholic power" so that it may be said of Ireland as Jugurtha said of Rome "*O venalem Hiberniam mox perituram si modo emptorem invenerit.*" May His Majesty's days be long. Even were we weltering in blood, we must hold water while he washes his hands in innocency.

[1] For full text see *H. C. Journals (Ireland)* at this date. A short abstract only is here given.

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We have been asked to speak for the people, who, had we not spoken for them, would certainly have spoken for themselves "for the alarm that Hannibal is at the gates is hot throughout the Protestant Plantations." We have made generous provision for the revenue and now want these dangers remedied. It must therefore be a forced put that presseth us on to this address, and our moderation even in it will appear. *Cuncta prius tentanda.*

The Act of Settlement is the apple of our eye, which is so tender that the least dust is offensive to it. That act should be printed with the motto "*Nemo me impune lacessit.*" If we are deprived of that act we are as Samson without his locks when the Philistines shall fall upon us. "In the execution of other laws we tithe mint and cummin; in this we fulfil the weightier things of the law." We looked out for this act as Sisera's mother looked out, with a "Why are the wheels of his chariot so long a coming." But now, with great sorrow we behold the driving of this chariot to be like the driving of Jehu, the son of Nimshi, that drove furiously.

We have great respect for the Commissioners for executing the act, but they have a very difficult task. The hotch-pot of law and equity makes them judges and jurors; and they are too summary. The other courts shoot from a rest to a dead mark and never miss. This court runs and shoots at a flying mark, so that it is "admirable" if it ever hit aright. "We come not to criminate or force a ball into the Dedan, but if any brick wall expressions happen that cannot be designed otherwise, it is rather a force upon us." We are on the defensive.

The knights, citizens, and burgesses have come to the conclusion that, unless some rule is laid down for the Commissioners, the lands justly forfeited to the King, upon the late horrid and unnatural rebellion, and by him freely granted to English, will be taken from them. In fear of these things the Commons have drawn up certain proposals to present to your Grace in regard to the administration of the act. Your Grace has under the Act power to give directions to the Commissioners in the matter. I shall read the proposals one by one and give some hints in regard to them.

Preamble. As the Lord Lieutenant has power to give directions to the Commissioners for executing the Act, and as we know that such rules are necessary, the following particulars are offered:—

Comment. This is merely a preamble and shows our confidence in you. [*Details* and rhetorical flourishes follow.]

Prop. 1.—That the King be a party in the Court of Claims and that no cause be brought to adjudication till the Attorney-General have a fair summons and be fully heard.

Comment. Had the Attorney-General been allowed to be heard, many Protestants would have been able to keep their estates. The oath administered to the Commissioners shows that they may judge between party and party. Consequently when a man is judged innocent, yet, if his title be not good, the English adventurer or soldier is in by the Act. Consequently the title comes in question.

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"Regularly, either by office or attainder, forfeited lands are vested in the King, and His Majesty being graciously pleased not to proceed by the severity of attainder, which reacheth life and corruption of blood on the one hand, nor the expense and delatoriness of offices to be found (not consisting with a kingdom gasping for a settlement) was pleased to rest his title upon a trial of innocency. So that, exclude His Majesty to be party, the Commissioners judgments cuts both ways. The Irish are turned out of their inheritances upon the account of treason, and the King not party, the English shall have their lands, and yet they were never legally settled in the King; so that treason will seem to be a crime not so much against the King as against the subject. Lands by the Act are vested in His Majesty, so they be not the lands of innocent persons (and qualifications for the trial of their innocency are positive). Lands are given to the adventurers and soldiers if they belong not to innocents. Where rests the freehold? In the innocent persons? That is but conditional and contingent. Is it in the adventurers or soldiers? That is but conditional and contingent. Is it in the King? It is there but conditional and contingent." Why then it is in *custodia legis* to judge between these three persons.

Courts of Justice *ex-officio*, if a title upon pleadings arise for the King, are to take notice of it and approve it, though the King be not party to the action. *Hob.* 126, 127.

The Court will award a writ for the King where the title appears for him on the verdict, though the issue find it not for him. *Hob.* 118, 119. And where statutes are made to put things in ordinary form and authorise inferior persons for the execution of it for the ease of sovereign power, or the ease of the subject, yet they shall never restrain the sovereign power and interest, Dyer 225, pt. 35, *Hob.* 146. The Courts are bound to be watchful of the King's interest as Lord Hobbart said in *Sheiffield v. Ratcliffe*. *Hob.* 335. [*Details of judgment given.*]

The breath of this reverend judge perfumes the chamber. We should adopt his principles. [*Rhetorical flourishes follow.*]

The late King in his Declarations desired a good understanding between all his subjects, and the support of the Protestant cause. This he frequently repeated. It is plain that the Roman Catholics began the rebellion, and nocency cannot be turned into innocency. The Parliament of England in December, 1641, proposed to the King that he should not alienate any of the forfeited and escheated lands in Ireland which should accrue to the crown by reason of the rebellion; that out of them some satisfaction might be made to his English subjects. The army must now be supported and the Protestant families housed. Moreover, unless the adventurers are satisfied, no such fund as they advanced will be contributed in any fresh emergency. The people who have been restored as innocents never served against the Irish in the late rebellion. The English counsel at the Bar have been checked, whilst the insolencies of the Irish counsel have been passed over.

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Prop. 2.—All examinations and depositions whatsoever taken for discovery of the rebellion or proceedings of the rebels and their adherents, as well during his late Majesty's reign, or [as] in the time of the usurped authority, all books, rolls and writings remaining in any offices belonging to the Court of Claims or in any of His Majesty's Courts of Record, as also the Books of Kilkenny shall be taken as good evidence for the King to bar such persons of their innocency.

Remarks. This is a matter of evidence; and the Court needs such evidence as it can get. [*Details given.*] The King will, it is feared, have to encounter many deeds and settlements and lewd witnesses, and it is but reason he should defend himself by his own that are just.

Prop. 3.—That such proclamations or any act of state as have declared any person or persons and their adherents rebels before the cessation in this Kingdom, 1643, by His Majesty's authority, shall be good evidence in the King's behalf against each person for impeachment of their innocency before the Commissioners.

Remarks. A proclamation is part of the King's prerogative and obtains in cases of necessity, the force of law, and is therefore sometimes termed *lex temporis*. [*Details.*]

Prop. 4.—Where by any order of the House of Commons since 1641, and before the first sessions of this present Parliament, any of their members, upon account of the rebellion, have been adjudged to be rotten members and fit to be cut off, and have ordered [*sic*] the Speaker to issue his writ to fill their places, such orders shall be allowed good evidence to bar such person or persons of their innocency.

Remarks. This goes no further than to the members of their own House.

Prop. 5.—The English quarters to be ascertained from time to time until his Grace's recess of 1647, and that all quarters not so ascertained be adjudged rebel quarters.

Remarks. This would be a good means of finding out what person identified themselves with the rebellion, "the Shibboleth to distinguish an Ephramite from a Gleadite."

Prop. 6.—That where two persons claim the same lands, the question of their title shall be tried before the question of their innocency.

This will avoid the scandal which arises when three or four claimants claim the same land. If only one is a Protestant the others agree that the title of any or all of them shall rest in the one who is found innocent. They should be made to interplead as to which of them is the right heir.

Prop. 7.—That in all claims the titles to the lands be first tried, and that the deeds of all nocents be left to remain in the court.

Remarks. If it appear that the party hath no title, the labour of trying innocency is saved; and perjury may thus be avoided. It cannot prejudice a man who has been adjudged nocent that his deeds should be kept. "Sir, in the North of Ireland the Irish have a custom in the winter, when milk is scarce, to kill the calf and

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reserve the skin, and stuffing it with straw, they set it upon four wooden feet; which they call a Puckcan, and the cow will be as fond of this as she was of the living calf. She will low after it and lick it and give her milk down so it stand but by her." These title deeds will be like the Puckcans; and cause people to give down their venom upon the sight of these and entail a memory of revenge though the estate tail be cut off. In Rome when the Tarquins were put down the money and sculptures which might perpetuate their memory were also destroyed.

Prop. 8.—Where a claimant claims an estate of inheritance and does not set down a title certain, he shall be adjudged to claim in fee simple.

Remarks. This should be done in order that those who wish to oppose such claims may know what they have to meet. The law supposes that every man who is of full age knows what his title is. Protestant claimants should not be taken by surprise.

Prop. 9.—When a person has put in two titles the best title for the King shall be taken.

Remarks. Claimants should be made to state their claim at once, and not allowed to retire, like a ram, in order that they may charge better.

Prop. 10.—No claimant who claims by innocency, but is judged nocent, shall be allowed to make any other claim.

Remarks. Claimants should be put to their election at the outset. [*Details and legal precedents.*]

Prop. 11.—Any person claiming as innocent shall after proof of title, prove his innocency. The *onus* shall be upon him.

Remarks. This is in accordance with the letter of the Act. *Actori incumbit onus probandi.* The rebellion of 1641 was by the Act of Settlement declared a national one, and all of the Irish nation must be presumed to have joined in it unless they prove their innocency. [*Details.*]

Prop. 12. The claimant to serve the owner or defendant with notice of trial, and, if he cannot be found, to post notice of the same in court 30 days before hearing if the estate is in Leinster and 40 days if it be elsewhere.

Remarks. This is important in the interest of justice. [*Details.*] Men must not be judged unheard.

Prop. 13.—Claims shall be heard by counties and according to a priority in such counties already fixed by the Court.

Remarks. This will save disturbance and anxiety; and reduce costs of witnesses, &c.

Prop. 14.—Matters of fact triable by the Court should be tried by a jury.

Remarks. This is an ancient right, which even the Act of Settlement could not take away.

Prop. 15.—No person shall be admitted to prove his innocency by any person who has not constantly lived in the English quarters.

Remarks. Crimes should not be charged by other persons who themselves are guilty of them. It may be answered that we make

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use of them against each other. The answer is that that is just. "A tarryer is the only creature to unkennel a fox because he is got by a fox and a brache hound." All the confederates were accessories and we must take their evidence or none. We cannot prove that persons sat in their assemblies or were at this or that battle except by the evidence of those who were with them.

Prop. 16.—When the Court gives judgment in any case, every Commissioner present must give a judgment and give his reasons therefor.

Remarks. This is desirable in the interests of law and justice.

Prop. 17.—Where affidavit is made that one or more material witnesses being summoned before the Court refuse or neglect to come in, such case be suspended.

Remarks. Experience shows that this is necessary. [*Details.*]

Prop. 18.—Persons restored by being named in the Act should be restored in that way only and not in any other way.

Remarks. These persons are by the Act not to be restored without previous reprisals first set out, and it is directed that if there be not sufficient lands for all, then the lands of avail shall be decided on, the Lord Lieutenant and Council think most just. The restored person must be restored in this way and in no other, *i.e.* subject to reprisals. [*Details.*]

Prop. 19. The officers before 1649 and their tenants, shall be admitted witnesses to give evidence for the King in any cause tried before the Court.

Remarks. It is very difficult to get evidence for so long a period as that covered by the war. Where better evidence cannot be got this evidence should be admitted. When a tenant for life is indicted for treason the remainder-man may give evidence against him.

Prop. 20.—That evidence of old and infirm persons may be taken on commission.

Remarks. This is a thing desirable in the King's interest.

We present these suggestions with our duty and trust they may receive your approval. The Protestants are being unjustly treated. "The Law saith 'all hail Protestants of Ireland,' but if the execution be dissonant, we are crucified under a glorious inscription of mockery."

The execution of the law is the soul of the law. The want of this hath transmitted this never-dying truth to posterity. *Nulla est tam misera servitus quam ubi jus est incertum et vagum.* *Pp.* 38, *S.P. Ireland* 313, 43.

18 Feb. ENTRY of the KING to the LORD LIEUTENANT for JAMES ALLEN of St. Woolstons, co. Kildare.

We hear that Allen has been adjudged innocent by the Commissioners of Claims. You shall restore him to all the lands of which he was seized on 23 October, 1641, and insert in his patent a clause revoking all grants of his said lands to any other person or persons. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 18-9.

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16 Feb. ENTRY of PETITION.

Sir Nicholas Amorer asks that as the Act of Settlement provided that an estate of £200 a year be settled on the orphans of Col. Owen O'Connelly out of the several forfeited lands there wherein Artane is "concluded," and as the rest of the particulars are more than sufficient to make up that estate, Artane, which remains in the King's hands, may be granted to him upon such conditions as the Lord Lieutenant shall think fit.

The King anxious to favour Sir Nicholas so far as is consistent with his service, directs reference to the Duke of Ormond, who shall satisfy the petitioner or report to the King. *P.* 1. *S.P. Dom. Entry Book XIII. pp.* 218-9.

21 Feb. Whitehall. DRAFT of the KING to the LORD LIEUTENANT concerning the COURT of CLAIMS.

Sir Robert Talbot and Colonel Garret Moore petition showing us that the Commissioners for executing our Declaration issued a Proclamation in November last directing that all claims for restoration should be lodged with them within thirty-one days of the date of their said proclamation. This period was proved too short for the preparation of claims, for the raising of money to support them, and for the giving of notice to persons absent from Ireland. We give you power to enlarge the time in cases in which you may think it right to do so. Those who made imperfect claims owing to the absence of their attorneys from Ireland at the time when they were made may have leave to amend them. *Pp.* 1½. *Endd. S.P. Ireland* 313, 44.

General date 22 Feb. DOCUMENTS RELATING TO THE CASE OF CAPTAIN ALEXANDER GRAY, showing that:—

Prince Rupert seized a ship belonging to petitioner in Kinsale with all her loading valued at £4,659, which was employed in the King's service. After reference and examination of his claim by several of the King's Council in Ireland, they recommended that petitioner should be paid £400 and referred to Parliament there to be appointed one of the Commissioners for Excise and Customs there, which place he then possessed. Subsequently he was put out of that post "upon a later view of the said places." He desires the benefit of the King's former intentions and re-establishment. *P.* ¾. *With note of—*

Order dated 30 April, '62, referring the petition to the Duke of Ormond. *S.P. Dom. Entry Book XIII. p.* 110.

The King to the Lord Lieutenant for Alexander Gray.

On 19 Dec., 1660, we particularly recommended Gray to the then Lords Justices for payment of the sum of £460, out of the

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customs and excise there, or out of some other fund, more especially in compensation of a ship belonging to him which was seized for our service. We further directed that he should be made a Commissioner for the customs and excise of Ireland, and that he should be in our name recommended to the Parliament of Ireland for compensation. These letters have not had the desired effect. You shall see him paid the £460 and appointed to a fit post in Ireland. *P.* ⅔. Dated 22 Feb., Whitehall. *S.P. Dom. Signet Office V. p.* 348.

Also entry of same. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 16-17.

Also draft of same. *P.* 1. *Endd. S.P. Ireland* 313, 45.

This concludes the documents relating to this case.

23 Feb. Whitehall. The King to the Commissioners of Settlement for the Marquis of Antrim.

Directing them to dispense, in the Marquis and Marchioness of Antrim's favour with that enactment in the Act of Settlement under which it is compulsory that they should put in their claim for restoration before an appointed day. *P.* 1. *S.P. Dom. Signet Office V. p.* 349.

Also entry of same. *S.P. Ireland* 312, *p.* 16.

[About 24 Feb.] [Copy of Secretary Bennet to the Lord Lieutenant.]

I have not yet heard from you of the discontent which has been caused in Ireland by the restoration of a few innocent Roman Catholics, or of the demands, which, in consequence, the House of Commons has made upon you. We have, however, had a Council on the matter; and after Mr. Coventry had been heard, and related many things which were new to me, I was directed to tell you that you will immediately receive a despatch in which the King's views as to Irish affairs will be fully set out. The King is very displeased with the attitude of the Commons there, and trusts it may change. "It is hoped that they, reflecting on the insecurity of their condition there, and the support His Majesty may probably have from this Parliament now sitting here in anything that tends to their discountenance, will oblige them to retract and fall again into that temper which it becomes good subjects to have." I am anxious to know, for the King's use, the number and quality of the army and civil list. I am directed to keep by me the grants to the Earls of Orrery and Anglesey till the King hears from you about them. *Pp.* 2⅓. *Endd. S.P. Ireland* 313, 46.

Entry of Petition.

The Marquis of Antrim shows that the late King commanded him in 1640 to go into Ireland and try to bring "those Irishmen"

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to the King's interest. The Marquis of Antrim did so to the best of his ability, and, though he did nothing without the express commands of Charles I. is likely, on account of his actions, to be debarred from the benefit of his qualifications and of innocency, and may lose his estate "which the said Irish party do endeavour." He prays that the King may peruse the instructions under which he acted, and that he may not lose his estate.

24 Feb. Whitehall. The King refers the examination of the facts stated in the petition to the Lord Chancellor of England, the Duke of Albemarle, the Earls of Northumberland and St. Albans and Lord Hollis, who shall hear the Marquis, see his proofs, and report on the justice of "retoring" him to his Irish estate. *P.* 1. *S.P. Dom. Entry Book XIII. pp.* 221-2.

Same. Entry of Petition.

Philip Hore desires restoration to his estate of which Sir George Lane has a grant.

The King directs reference to the Duke of Ormond who shall do as he thinks fit. *P.* ½. *Ibid. p.* 224.

25 Feb. Dublin. Winston Churchill to Secretary Bennet.

You will hear the state of affairs from my brother Coventry. The work is tedious, more troublesome than killing of men at 4*s.* a week. The Duke will not let me go yet and says he will excuse me to the King. I hope your Bill, which was to-day read in the Council, will soon go over and that it will go over with the consent of all concerned, which is the best way to assure its success when it returns. I am sorry to say that Mr. Bromley, Sir N. Armorer's ensign, was killed last week in a duel by a Mr. Loftus, a nephew of Lords Cork and Orrery. As the wound was under the left pap it is said that he did not meet with a fair adversary and was found with his sword in his scabbard. Mr. Loftus' second was a worthy man. The estates of either are temptations to the friends of the deceased to prosecute. I have no further news for you except that the House of Commons propose to assault us with eighteen proposals by way of limiting our powers and directing us; but we must either slay the innocents or they fall upon us. You will have the details and I need only say that I am anxious to get away from here. *P.* 1. *Signed. Add. Endd S.P. Ireland* 313, 47.

25 Feb. Colonel Talbot to the Same.

I hoped to send you your Bill this time and it would have gone but for Lord Angier's "rogrye." He got at the adventurers after they had agreed to it and influenced them so that they would not sign the petition until the Bill was modified in their favour. It is now ready and will be sent as soon as Lord Anglesey is well

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enough to come to the Council Board and hear it read. I hope we shall have it back soon and am sure that after that it will quickly pass the House of Commons, and when the Commissioners have an Act of Parliament for it I am sure they will soon reprize us.

Thank you for speaking of me to the King. Sir John Temple and his son promise their assistance in the House of Commons when the Bill comes hither.

I hope you will soon send over my lease. Speak to Lord Berkeley and the Duke about it, and pay away any money that may be necessary. *P.* 3. *Unsigned, but in writing similar to that of Talbot's other letters. S.P. Ireland* 313, 48.

[26 Feb.] PETITION of PHILIP HORE to the KING, showing that:—

Petitioner was an infant at the time of the outbreak of the rebellion and could not side against the King. Yet Sir George Lane has got his estate by a special proviso in the Act of Settlement, and this without reprisal. Petitioner and his wife and children are thus threatened with ruin.

He prays for mercy and restoration. *P.* ½. *Underwritten with—*

Order, dated Whitehall, 26 Feb., 1663, referring the petition to the Duke of Ormond, *and followed by—*

COPY of REPORT of the DUKE OF ORMOND on the above petition.

Hore should be restored. You will find other ways to satisfy Sir George Lane. *P.* ½. *In all, pp.* 1. *Ibid.* 49.

28 Feb. Whitehall. ENTRY of the KING to the COMMISSIONERS OF CLAIMS.

We hear that "there have been several threats and disrespects used to you by some turbulent and unquiet persons to discourage or at least byase you in the execution of the trust we have committed to you." We shall loyally support you against all such affronts and are well pleased with your impartiality. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 19-20.

Same. The SAME to the LORD LIEUTENANT.

You know how impartial we have been in our government of Ireland, how zealous for the support of the Protestant and English interest, and how fairly our present Commissioners have acted. This being so, we are astonished at the strange proceedings of the House of Commons. We cannot understand how it could have come to pass "that a Bill transmitted from you . . . . and returned by us *in terminis* without the least alteration is thrown

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out of their house without so much as being admitted to a second reading and reflected upon by some (to whom we have been too gracious) with scornful and unworthy expressions," and that our Commissioners for executing the Act of Settlement are threatened with charges of high treason merely for doing their duty. We resent their presumption in trying to impose rules on our Commissioners. We wish them to know that "we can be as just as kind and punish the insolent as well as cherish the penitent." We should be in difficulty were it not that we have in you a servant to whom "we can have no interest too considerable to entrust." We leave it to you to punish the persons who have offended us by impugning an authority which is exercised in our name. *Pp.* 4. *S.P. Dom. Ireland* 312, *pp.* 21-4.

28 Feb. Whitehall. Note. Dr. Mearad's [Meara's?] claims to be received, if put in within 3 months. *Two lines. Ibid. p.* 24.

28 Feb. The KING to the LORD LIEUTENANT for SIR EDWARD MASSEY.

We demised to Massey all the manor site and abbey of Leix and other lands in Queen's Co. at £50 a year for 51 years. He cannot get tenants to take lands or build unless he can give them a longer term. You shall therefore grant him these lands for 99 years at £12 a year. *Pp.* 2¾. *Ibid. pp.* 26-9.

PETITION to the KING of SIR ROBERT TALBOT and GARRETT MOORE, showing that:—

Petitioners have been for several years employed in soliciting the affairs of the Roman Catholics of Ireland in England. The Catholics wanting authority to applot a sum on themselves for payment for petitioners' services, they find that they have been heavy losers. They pray for reference to the Lord Lieutenant with direction to him to take steps for their payment.

Same. The King directs reference to the Duke of Ormond. *P.* ⅔. *S.P. Ireland* 313, 50.

Also entry of same. *P.* ⅔. *S.P. Dom. Entry Book XIII. p.* 228.

ENTRY of PETITION.

Sir Robert Walsh, Kt. and Bt. He shows that he was employed by commission from the late King, from Oxford in 1643, to raise a

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regiment of foot to join with Prince Maurice, but was not permitted by them of the Irish quarters. He did, however, raise 50 horse and embarked them to Pendennis Castle and never then desired a penny. He desired [desires] a month in Ireland to settle his estate and prays for the King's letters of favour to the Commissioners of the Court of Claims. Some mortgages lie on his estate to such as have forfeited the same to the King, and they were contracted by petitioner owing to his outlay in the Royal cause. He prays that these debts or mortgages may be assigned by the King to him.

28 Feb. The King directs reference to the Duke of Ormond. Favourable clauses. *Pp.* 1½. *S.P. Dom. Entry Book XIII. pp.* 282-3.

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3 March. Entry of the King to the Lord Lieutenant for John, Lord Berkeley, Sir George Carteret and Sir Maurice Berkeley.

We are informed that in and about Indrego in the province of Connaught there are many thousands of acres of land which yield no profit because they are overflowed every tide. The Berkeleys and Carteret have asked us for a grant of these lands in fee farm. They shall have such a grant. *P.* 1. *S.P. Ireland* 312, *pp.* 29-30.

4 March. Dublin. Lord Kingston to Secretary Bennet.

I drew up, by the Duke's appointment, two letters, the first commanding the arrears of rent due to His Majesty from doubling ordinance land, &c., to be collected, the other appointing us a third of it as it should be brought in from time to time. These, with my own letter concerning them, I gave by his Grace's appointment into his own hands upon the 6th of February; but having not heard one word concerning them since, he has, I fear, forgotten them. I will remind him.

The enclosed order of reference came too late here to be improved by the Lords Justices, and the petitioner desires a reference to the Lord Lieutenant. He is intimately acquainted with the Irish land question. I am a suitor, therefore, in his behalf.

The House of Commons here are very angry with the Commissioners of Claims, and give a large sound to it in England; but I do not think it is important. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 51.

6 March. Whitehall. The King to the Commissioners of the Declaration for Edmund Kerney, of Gerrotstown [Garrettstown], co. Cork.

Dispensing, in his favour, with the provision of the Act of Settlement, limiting the time within which claims for restoration may be put in. Kerney's counsel did not put in his claim in time. *Pp.* 1¾. *S.P. Dom. Signet Office V. pp.* 351-2.

Also draft of same. *Pp.* 1½. *Undated. S.P. Ireland* 313, 52.

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6 March. Whitehall. The KING to the LORD LIEUTENANT for SIR LUKE BATH.

Sir Luke shall receive promptly the full benefit of the special proviso in his favour in the Act of Settlement. Favourable clauses. *P.* ¾. *S.P. Dom. Signet Office V. pp.* 356-7.

Also draft of similar letter. *P.* ⅞. *Undated. Endd. S.P. Ireland* 313, 53.

Also entry of same. *S.P. Ireland* 312, *pp.* 31-2.

Same. ENTRY of LICENCE to JOHN, LORD BERKELEY of Stratton.

Permitting him to be absent from his post as President of Connaught for two years from 10 March, 1663, without loss of profits, income, &c. *P.* ¾. *Ibid. p.* 33.

7 March. Dublin. The LORD LIEUTENANT to [SECRETARY BENNET].

I received yours of the 24th and 26th yesterday when I was deeply engaged "in the examination of a conspiracy for taking this Castle and me in it." I find no one better in it than Wm. Hulet [?] who has been accused of bragging that it was he that had murdered the last King. There was an intention, but I do not know how I will be able to "convince" more of it. These fellows evidently take courage from the House of Commons, "and if they change not and become more temperate, I shall presently make use of the power I have to separate them either by prorogation or for good and all." They will do less harm apart than together.

You shall shortly have a return of the amount of the civil and military list.

The Earl of Orrery's complaint is just. I do not understand Lord Anglesey's and he is at present sick; but if you get it signed and returned I will see there is good reason for it before it leaves my hands. I will let you know about the attempt on the Castle. *Pp.* 2. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 313, 54.

PETITION to the KING of CAPTAIN GREGORY MARTIN and LIEUTENANT AUGUSTINE JOYES [JOYCE], showing that:—

Petitioners were banished from Ireland by the usurper for their loyalty to the King. They fled to Flanders and there joined the Duke of Gloucester's regiment wherein they served till the surrender of Dunkirk under Lord Taaffe, whose certificate is herewith.

This regiment was reduced by the King and petitioners were left to shift for themselves, and not mentioned in the King's Declaration for his estated officers and followers abroad "in regard they were born to no estate of their own, but younger brothers and soldiers of fortune." This will impede them in "following any civil course to earn a livelihood" in the future.

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They pray for the right to follow any trade or profession in any part or corporation of Ireland, "and particularly the town of Galway, where they were born." *P.* ½. *Followed by*—

8 March. London. CERTIFICATE by VISCOUNT TAAFFE.

Confirms the above in the case of Captain Martin. He served, as stated, in Captain Dillon's company in the Duke of Gloucester's regiment. *P.* ⅓. *Signed. The whole, pp.* 1¼. *Endd. S.P. Ireland* 313, 55.

9 March. Dublin Castle. The LORD LIEUTENANT to the SPEAKER of the HOUSE of COMMONS in Ireland. [1]

When an address was recently presented to us in regard to the Commissioners of Claims, we the Lord Lieutenant told the Committee who presented it that their want of respect in presenting it should not prevent us from discussing it upon its merits. We also told them that all the information necessary was already in our hands. We yield to no one in our desire that this kingdom should be settled on just foundations, which alone can secure finality.

We express our "admiration" that, whilst we are considering that address, it should have been exposed to the world in a print, accompanied by inconsequent inferences insinuating that Protestantism is being oppressed, &c. This publication has greatly alarmed the Protestant settlers and has caused many of them to sell their claims to the old proprietors "at vile or under rates." This is dangerous to the plantations, diminishes the King's quit-rents, and discourages Protestant strangers who have been invited to settle here. And now we have discovered a design for surprising the Castle of Dublin made by those who would have us believe they are Protestants and on the ground that their religion is in danger, whereas there is nothing in this kingdom for which we do or shall care more.

We hope that reckless men will not be approved of or supported by the House of Commons in any attempt to disturb the peace of the kingdom. Some of the conspirators who were lately seized have deposed showing that they were awaiting a Declaration of the House of Commons declaring against Popery and for the English interest.

The Proclamation of 12 November, 1662, for quickening magistrates in the performance of their duty will show that the Government is ready to give needful protection to Protestants. The Council, the Army, the Judges of the Courts, and the local magistrates are all Protestants.

We write thus out of a sense of duty to the King and affection to the House of Commons. The Commons should take a calm view of the situation and apply the remedies which will calm the people and secure general peace to the community. *Pp.* 3. *Endd. Ibid.* 56.

(1) For full text *see House of Commons Journals (Ireland)* for 10 March, 1662.

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[10 March.] A LIST of and MEMORANDUM concerning the FORCES sent out of ENGLAND into IRELAND in the year 1649, under the command of Cromwell, supposed to have had assignments in England for payment for their service in Ireland.

Horse:—
The Life Guard under Captain Richard Lehunt.
The General's Regiment, consisting of two divisions, one under Major Sankey and one under Major Pritty.
Col. Henry Ireton's Regiment.
Colonel John Reynold's Regiment.
Colonel Thomas Horton's Regiment.
Dragoons:—
Colonel Daniel Abbott's Regiment.
Foot:—
The General's Regiment.
The Regiments of Colonels Henry Ireton, George Cooke, John Hewson, Robert Phayre, Peter Stubbers, Isaac Ewers, Robert Venables.
Train of Artillery:—
Captain Edward Tomlins, comptroller.

In order to discover what assignments were made in England for their several and respective entertainments in the Irish service, and what was paid thereupon, inquiry is to be made:—

1. What warrants were granted by the Committee for the Army in the year 1649 for pay of any of those forces from and after August 27, which was the day of their first muster in Ireland and from whence (it is conceived) their entertainments on the Irish account began; and a perfect transcript is to be made of all such warrants at large out of the books of that Committee.

These books are supposed to be in the house of Sir William Bronkard in the Old Palace Yard, Westminster, and in the custody of Colonel John Birch, William Prynn, Sir William Doyly and others, now or late of the Committee for disbanding and paying off the army; or of one Mr. Fillingham, their clerk. He can make transcripts without trouble as he was for a long time under-clerk to the Committee of the Army. If he is in doubt, he may have the help of Captain John Vernon, who, at the time of the coming over of those forces in Ireland, was Chief Clerk and Register to the then Committee of the Army, or Captain Richard Deane who immediately succeeded Vernon.

2. Whether the said warrants have been fully paid and (expressly) to whom; which may be done by examining and comparing the transcript thereof with the accounts of the then Treasurer at War. This is necessary because it has been alleged that some of the money assigned could not be received.

Mr. Fillingham may do this work with the help of others aforesaid. [*Details.*]

Colonel John Birch should be appointed to superintend the matter and have power to appoint others as above-named, to help him to make all needful discoveries. *Pp.* 1½. *Endd. with date, S.P. Ireland* 313, 57.

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11 March. COPY of ANSWER of the HOUSE OF COMMONS to the letters of the DUKE OF ORMOND as Lord Lieutenant of Ireland.[1]

Our address was certainly misinterpreted if it was taken to mean anything disloyal to the King. Our only wish was to lay before you and the Commissioners of Settlement certain considerations which we thought should be borne in mind, in order that you might take resolutions upon them. The House believes that you have done much to establish the Protestant religion and English interest. We never intended by the orders we made to trench upon your Grace's prerogative and hope those who made the late plot against the Castle will receive condign and speedy punishment. We shall assist you against all opposers of the King's authority. *Pp.* 1½. *Signed* (*not Hol.*) *by* Sir Audley Mervin, Speaker. *Endd. S.P. Ireland* 313, 58.

11 March. Dublin. ——— to COLONEL VERNON.

Dear Vernon,

I received yours of the 3rd to-day and Alex. and I are very grateful for your endeavours on our behalf. I do not think you need fear that the Government here will reverse any of the outlawries. The Commissioners here are your friends. My last told you how I treated them at Clontarf. I suppose you will hear from others of the late design of surprising the Castle here by some "fanaticke." The design was desperate and would have been bloody in its execution, "for most as yet observed to be engaged in it were formerly officers and since discontented tradesmen." Every day makes new discoveries, so that many know not and most fear where it will end. *P.* 1. (*Hol.*). *Signature torn off*, but with seal of arms—Erm. three fusils in fesse—similar to Pigott's. *Add.* "to Colonel Edward Vernon at Mr. Henry Nuttings, his house in Plow Yard, in Fetter Lane, London." *Endd. Ibid.* 59.

12 March. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I have, as I told you, been ill. I thank you for your kindness. You tell me that people are complaining of the multiplicity of the Deputy Lieutenants in Somerset. I communicated this to the King and, thereupon, have orders to communicate to you the list of those appointed by him, with the authority he had in each case, so that you may be able to show those who complain that no appointment was made without the King's authority. I hope you have already a blank commission for the major of the militia of Bristol, and that you have been informed that before my Lord's coming away there were blank commissions sent to all the militia of his lieutenancy; and if others be still insisted on they shall immediately on your directions be transmitted.

(1) Printed in full in *House of Commons Journals* (*Ireland*) for this date.

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I hope you are by this time satisfied that I have served Mr. Lye all I could, as also Mr. Clifford upon the recommendations which shall always have all the respect imaginable from me. My Lord of Dungannon, entrusted by Mr. Clifford, in his concern, will, I presume, acquaint him with my having served him all I could. You will herewith receive some drafts of letters from my Lord for the King's signature. *Other details.*

P.S.—The Lord Lieutenant desires me to recommend Mr. Henry Sidenham of Chelworthy as a fit person for the King's appointment as Deputy Lieutenant of Somerset. The Master of the Rolls has the patent already in his hands. When completed it shall be dealt with as you please to order.

Your Bill is committed at Council, where it will meet with no obstruction. Your friends will endeavour to pass it through the Commons' House, and if it get through there, there is not likely to be any opposition in the House of Lords. *In all, pp.* 2¾. (*Hol.*) *Add.* "For yourself." *Endd. with date. S.P. Ireland* 313, 60.

12 March. Dublin Castle. The Lord Lieutenant to the King.

I did not read your Majesty's letter of the 27th to the Board until I had made sure that dissolution was the only remedy for the undutifulness of the House of Commons. I showed it, however, to Lord Orrery and hope he will use the knowledge and his influence over the leading men, that they will return to calmness and their sitting prove useful. I send you their answer to the letter which I sent them [*see above at* 11 March, *last entry but two*]. It is not a full retractation, but should rather be accepted at present than to proceed to the breaking of the Parliament, which would alarm the Protestants.

I hope your Majesty will shortly send the supplies for which I have importuned. Control of the army is the thing which the Government most sorely needs. I am preparing a list of the officers, and shall report on the trustworthiness of each officer. The soldiers are certainly to be trusted no longer than they can be paid, especially if it can be put to them that the contest is between English-Protestant and Irish-Papist. There are plenty of men who are ready to "debosh" them.

I am now assured that there was a plot to take the Castle and that its success was hoped for by many of that party in the country. *Pp.* 2¾. (*Hol.*). *Not signed. Endd. Ibid.* 61.

Same. The Same to Secretary Bennet.

I have written an unusually long letter to the King on the condition of the House of Commons. The want of a definite settlement keeps people disturbed and helps the work of incendiaries; and this difficulty can only be got rid of in course of time. *P.* 1. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 62.

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12 March. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON, Secretary, to SECRETARY BENNET.

I received yours of the 26th and 28th of February together on 6 March and delivered them to the Lord Lieutenant and Commissioners. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 63.

12 March. LIST of LETTERS sent by the LORD LIEUTENANT to ENGLAND for the KING'S signature.

For the Earl of Cork—20*s.* a day as Lord High Treasurer of Ireland—to be entered in the establishment.

For Lord Courcy and John de Courcy his son and the successor of them—to receive a pension of £150 from May next, 1663.

For Richard Jones, Esq., Constable of the Castle of Roscommon and his twenty warders, to be entered in the establishment.

For Nicholas Purcell to have the estate of Theobald and James Purcell, yet in trust for Mrs. Elizabeth Fitzpatrick's jointure during her life.

£60 a year to Dr. Herne by letters patents as public Professor of Physic in the University of Dublin, to be put upon the establishment. *P.* 1, *with recommendatory note by the Lord Lieutenant. Endd. Ibid.* 64.

13 March. Whitehall. The KING to the LORD LIEUTENANT for COLONEL EDWARD VERNON.

He is molested by claims put in to his manor of Clenteife [Clontarf] by Patrick Scurlock and Katherine King. You shall not allow these persons to put in any other such claims without first finding that they are well founded. *P.* ⅔. *S.P. Dom. Signet Office V. p.* 353.

Also entry of same. *P.* 1. *S.P. Ireland* 312, *p.* 34.

Same. SAME to SAME for the EARL OF CLANCARTY.

Directing that an annuity of £20 which was promised to the Earl by the King's letters dated at Brussels, 27 November, 1659, be placed upon the establishment. *P.* ½. *S.P. Dom. Signet Office V. pp.* 364-5.

Also entry of same. *S.P. Ireland* 312, *pp.* 35-6.

General date. DOCUMENTS RELATING TO THE CASE OF MOROGH, EARL OF INCHIQUIN.

13 March. Entry of the King to the Lord Lieutenant for Lord Inchiquin.

Sets out the terms of the Declaration of Nov., 1660, and of the instructions thereto annexed and of the Act of Settlement as to

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payment of arrears of those officers who served before 5 June, 1649. Lord Inchiquin's arrears as Commander-in-Chief in Munster shall be set out at the rate of £10 a day. *Pp.* 2. Dated 13 March. *S.P. Ireland* 312, *pp.* 36-8. [*See letter of* 19 May, 1662, *in Calendar of S.P. Ireland*, 1660-62, *pp.* 548-9].

The Duke of Ormond to Secretary Bennet.

The King having directed me on "March 24 last" to find out something which he might bestow on Lord Inchiquin, and his Lordship having sent me the enclosed draft, I send it with my recommendation as the best thing that can be thought of for his lordship. *P.* ½. *Signed.* (*Hol.*). *Undated. Add. Endd. S.P. Ireland* 313, 65. *Enclosing—*

Draft Grant to the Earl of Inchiquin.

Sets out his services, his enforced exile in the usurper's time, his loss of property and capture by the Turks who "kept him for some time under much hardship." He shall have a lease of forfeited lands in Ireland not in the hands of reprisable persons to the value of £1,000 *a year. Favourable clauses. Pp.* 1¾. *Dated* —, 1663. *Ibid.* 65, 1.

This concludes the documents relating to this case.

14 March Dublin. The Earl of Orrery to Secretary Bennet.

I have assured Dick Talbot that I should be very glad if I could be of any assistance in the matter of your bill for Lord "Glanmelerose'" estate.

The bill yesterday, meeting with some debate at the Board, was committed, but this morning we have composed all the differences, so that I do not doubt but that next week it may be sent over to you. When it returns hither I shall not fail to engage all my friends in both Houses of Parliament to contribute their help towards the passing of it.

I am ashamed it has hitherto so little lain in my way to serve you, and troubled that it is too likely that (but in this) I shall not be able to serve you again. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 66.

Same. Winston Churchill to the Same.

I am sorry your bill is so difficult to pass. It has been disappointed often when we thought all was going well and appears like "the enchanted isle of O'Brasil, nearest when furthest off." The King has a right to the quit rent, but does not seem to know it.

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You might, if opportunity offered, get it taken off. By the Act of Settlement every adventurer, soldier, or other restorable person (not judged innocent) is to pay the King 3*d.* an acre for all his lands. The Council thought they could not acquit you of this and have therefore put it into the bill; but it may be left out without losing you friends here. We have to consider the question of reprising the soldiers who are to be moved off, and this is a difficult question. The estate is so large that much land will be necessary for reprisals; and they have by the Act to be reprised as if Lord Clanmalier was innocent. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 67.

14 March. Dublin. The Lord Lieutenant to Secretary Bennet.

My Lord Tyrconnell will need the King's protection from the just severity of a judgment passed against him by the Commissioners, and though I be, next His Majesty, principally concerned in the letter written by him and have most reason to be unsatisfied with it, "yet when I remember the general liberty taken in those times to treat of and interpose in matters of state, and call to mind the merit of his Lordship's actions in the late King's service" both here and in England, I presume they will with the King outweigh the oversights in that letter which was the cause of his being declared nocent. I have therefore taken the liberty to send a letter which, if signed by the King, will deliver a person and family likely to be useful to him. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 68.

Entry of Petition.

Above 600 poor Protestants of Ireland. They have suffered much, and the Act of the late King for relieving them has not benefitted them. The late usurpers misconverted the sum which should have been devoted to their relief, yet the Act of Indemnity forbids them to prosecute those who wronged them. They were referred to the House of Lords, then to the King and then back to the Privy Council [from whom they] had order to sue for the sums. They ask for the King's Privy Seal, whereby they may be enabled to get in all such moneys as may be due to them.

14 March. Whitehall. The King recommends petitioners to the Lord Treasurer of England on whose advice he will declare his further pleasure. *P.* 1. *S.P. Dom. Entry Book XIII. p.* 241.

15 March. London. Sir Francis Dodington to Secretary Bennet.

I received yesterday the King's second command to the Council of Trade to make their report about the coal trade; and humbly beg your patience for the fee till I return, being to go into the country to-morrow early. I have sent my son to beg your pardon for me;

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and to put your honour in mind of a second letter for the Earl of Strafford to the Lord Lieutenant to despatch the state of His Majesty's debts there to his Lordship, and to finish the treaty for his woods and to find means to pay for the woods and discharge so due and just a debt. It was incurred by supporting the English against the rebels. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 69.

17 March. Whitehall. The KING to the LORD LIEUTENANT for COLONEL EDWARD ROSCARROCK.

Directing that he have the command of the company in Ireland vacant by the death of Sir John Ogle. *P.* ½. *S.P. Dom. Signet Office V. p.* 353-4.

Same. SAME for DR. WILLIAM FULLER'S ARREARS of RENT in IRELAND.

The lands, tenements, &c. and tithes of the Deans and Dean and Chapter of St. Patrick's, Dublin, were by the late usurpers granted to several persons in trust for the use of Trinity College, near Dublin, or other uses; and some of the rents, &c., payable out of the premises are still in the tenants' hands and have not been paid by them to the trustees' collector, Mathew Barry. The Dean's house is "by the iniquities of the late times utterly ruined and demolished" and Dr. Fuller, the present Dean, says that he cannot repair it out of the present revenues.

For the purpose of such repairs we grant him the sums aforementioned as in the hands of the tenants, and all the arrears of rents and profits payable out of the same to the Treasurer of St. Patrick's, and unpaid on June 24, 1660; we having appointed Dr. Fuller to the said Treasurership. You shall make a grant accordingly. The Chancellor, Treasurer, Chief Baron and Barons of the Exchequer shall issue all such commissions of inquiry as are requisite for discovery of the arrears hereby granted and shall aid Dr. Fuller as may be necessary. Favourable clauses. *Pp.* 2. *Ibid. pp.* 354-6.

18 March. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

The bill, though engrossed and ready for transmission, was, owing to the absence of the Lord Chancellor in the country, delayed in passing the Seal, but cannot meet with a longer stop than Saturday. In the meantime I have broken the confidence to present you with something of no mean concern, not so diffused and difficult as yours. It is an estate of £1,000 a year net, at least, now in the King's gift, without so much as a colour of a title by him that claims it. You will have details by the enclosed. The King's Attorney is equally engaged with me in the discovery and management of the whole business, and "if you please to make it a song of three parts we will every one take his burthen."

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The estate is not far from here, has three indifferent good houses on it and was part of the property of James Bathe, of Acarne [Athcarne], a person outlawed for rebellion. It was given by Cromwell to the arch-rebel Jones for the defeat of my Lord of Ormond near Dublin, "at that fatale rout that lost all Ireland." He dying, gave it by will to the present possessor, heir[?] of the son of his brother "the now Bishop of Meath, but then Scoutmaster-General to Cromwell and as active a rebel as himself." He has got a proviso in the Act to settle him in all the lands he was possessed of in May, 1660, and upon this account hath claimed those lands, but the enclosed will show you that he was not then nor ever yet in possession of any of them, and has therefore no title by his proviso. If the son had any right either in law or by this Act, he has forfeited the same by not putting in any claim before us. "The crafty Bishop is so dissatisfied with his own or his son's right, or rather the right of his brother rebel, from whom he derives his title, that he hath offered to some in power here to divide stakes" to be sure of his moiety, and I hear that Lord Mountalexander, being disappointed of Allen's estate, has undertaken to get the grant of the King. I think your interest is greater than his as well as your desert, and in that confidence I have ventured to give you this trouble, being desirous to take the advantage of His Majesty's favour and your friendship. Whilst I continue here I am restrained from purchasing both by my oath and by want of money. Consider the matter, and if we hear from you that the grant is feasible, we will do the rest. *P.* 1. (*Hol.*). *Endd. S.P. Ireland* 313, 70.
Enclosing—

List of Lands formerly belonging to Luke Bath, of Akarne [Athcarne], a person indicted and outlawed.

Co. Meath and barony of Duleek:—

Athcarne and Resk,
Little Boolies [Boleybegg],
Johnstown,
} *In the parish of Duleek.*

The Rath,
Macknanstown [Mannanstown],
Part of Cloheran.
} *Parish of Ardkath [Ardcath].*

Beshelstown,
Hamonstown [Hammondstown],
} *Parish of Clonalny [Clonalvy].*

In co. Dublin:—

Drumconra.
Ballybought.
Balgriffin.

Many houses and other freeholds in Dublin.

In co. Meath and barony of Duleek—Balrath in Ballymagarus [Ballymagarvey] parish.

Great Boolies [Great Boley ?], in Duleek aforesaid.

Dollardstown in Painstown parish.

Michael Jones who got these lands [&c., see foregoing] died without issue and devised them by will dated 9 Oct., 1649, *to his wife*

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and nephew, Michael Jones, for their lives; with remainder to Michael Jones' male heirs; with remainder to his nephew, Lewis Jones, and the male heirs of his body; with remainder to his nephew, John Jones, and the male heirs of his body; with remainder to his nephew, Henry Jones, and the male heirs of his body; with remainder to Sir Theophilus Jones and the male heirs of his body; with remainder to his right heirs. His interest in Donacarny he bequeaths to his brother, the Lord [Bishop] of Clogher, except two years thereof, and his interest in Poulkstown [Puckstown] and Clontirk [Clonturk] to his three sisters. Residuary legacy to his wife and nephew Michael. [The foregoing passage is a copy or extract of Michael Jones' will.]

After Michael Jones' death his wife had the possession of these lands all her lifetime. She died in November, 1660. *After her death young Michael Jones was executor and has since remained so, but he has not claimed the estate before us [the Commissioners of Claims] but the Bishop has done so, claiming under a proviso enacted on page* 115 *of the Act of Settlement, as in possession in May,* 1660.

We deny that he was so, in possession [other details]. By the Act of Settlement all the lands in co. Dublin are set out to adventurers and soldiers.

Will the King continue a man in an estate because he is heir to that rebel who routed the Lord of Ormond—in lands to which he can make no other title? Pp. 1½. *S.P. Ireland* 313, 70, 1.

18 March. Council Chamber, Dublin.

The Lord Lieutenant and Council to Secretary Bennet.

I, the Lieutenant, lately received the King's directions to take steps to prepare a bill for restoring the Marquis of Antrim to his estate; and I have received a petition by the Lady Marchioness of Antrim on behalf of her husband mentioning these letters. I then acquainted the Council with the letters and with the said petition, both which were then read at the Board. This gave occasion then also to read a petition formerly exhibited at this Board in the name of several adventurers and soldiers and their assigns, &c., whose adventures, &c., were satisfied on the Marquis of Antrim's estate, and on those of Alexander Macdonnell, his brother, and Sir James Macdonnell. These estates are in Antrim and in the liberty of Coleraine, co. Londonderry.

We have considered these documents, and that the Marchioness of Antrim denies that her husband was implicated in the rebellion, and offers to give proof thereof. If this is so, he will be found innocent by the Commissioners of Claims, before whom he has already made a claim for restoration. If, however, he is not innocent, we should not transmit a bill of this kind to the King. We have thought it best therefore to transmit no bill, but transmit the petitions[1] instead. *P.* 2. *Signed by* the Lord Lieutenant and nine Councillors. *Add. Endd. Ibid.* 71.

[1] For the adventurers' and soldiers' petition *see Calendar of S.P. Ireland* 1660-62. *pp.* 648, *et seqq.*

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18 March. Dublin Castle. PROCLAMATION of the LORD LIEUTENANT and COUNCIL.

By the powers given to us for enlarging the time within which claims may be put in under the Act of Settlement, we declare that the time for putting in the claims of adventurers and soldiers, which by an act of the Council dated 17 Oct., 1661, was enlarged from 29 Sept., 1662, to 1 April, 1663, is enlarged to 20 June, 1663.

By the Act of Settlement incumbrances resting upon lands set out to adventurers and soldiers are to be satisfied out of the forfeited lands in co. Kildare, except as is excepted in the said Act, and such appearances must be made appear by 23 Oct., 1662. This period we enlarge to 20 June, 1663 [*&c., as in foregoing par*].

By the aforesaid powers we further order that the period for restoring innocent Papists to their estates which was originally limited to 1 Aug., 1662, and was prolonged [*&c., as above*] be again prolonged [*&c., as above*].

By the same we further order that the period within which adventurers and soldiers must bring in to the Commissioners of Settlement the surveys made by them of their estates or duplicates thereof, and the field book if in their possession, which was originally limited to 29 Sept., 1662, and was prolonged [*&c., as above*] be further prolonged [*&c., as above*].

This Act of Council shall be published by Sheriffs throughout the kingdom. *Pp.* 1½, *with note of printing by* John Crook, the King's printer, and that it is to be sold by Samuel Dancer "next door to the *Bear and Ragged Staff* in Castle Street, 1663." *S.P. Ireland* 309, *pp.* 100-101.

20 March. Whitehall. The KING to the LORD LIEUTENANT for the "EARL" of CLANRICARDE.

Directing that the Commissioners of the Declaration see that he have the full benefit of the King's letters for him passed under the Great Seal of England, and confirmed specially by the Act of Settlement. *P.* ¾. *S.P. Dom. Signet Office V. pp.* 357-8.

Also entry of same. *P.* ¾. *S.P. Ireland* 312, *p.* 39.

Same. SAME for PATRICK, LORD COURCY, BARON OF KINSALE, and his son.

Directing that the pension of £150 a year granted to their ancestors for their loyal services be continued to Lord Courcy and his son after him. The pension shall be placed on the civil list. *P.* ¾. *S.P. Dom. Signet Office V. pp.* 358-9.

Also entry of same. *S.P. Ireland* 312, *pp.* 41-2.

Also draft of same. *P.* ¾. *Undated. Endd. S.P. Ireland,* 313, 72.

Same. SAME on behalf of RICHARD JONES.

Recites the letter of 15 October, 1661 [*above Calendar of S.P. Ireland* 1660-62, *p.* 440]. The salaries directed by such letters to be paid have not been paid since 31 March

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last and there is some difficulty in the matter in regard the ward is not mentioned in the establishment. We always intended it to be paid and on 29 January last, directed that it should be placed in our establishment. You shall see that Jones and his warders are inserted in the establishment as in the case of the other wards. *Pp.* 1½. *S.P. Dom. Signet Office V. pp.* 359-61.

Also entry of same. *S.P. Ireland* 312, *p.* 44-5.

Also draft of same. *Pp.* 1½. *Undated. S.P. Ireland* 313, 73.

20 March. Whitehall. The KING to the LORD LIEUTENANT for DR. JOHN STERNE.

Directing that the pension of £60 a year given Dr. Sterne, who is public Professor of Physic in the University of Dublin, by patents passed on the 18th September, 1662, in consequence of letters dated 18 June, 1662, be placed in the establishment. *P.* 1. *S.P. Dom. Signet Office V. pp.* 361-2.

Also entry of same. *S.P. Ireland* 312, *pp.* 43-4.

Also draft of same. *P.* 1. *Undated. Endd. S.P. Ireland* 313, 74.

Same. SAME for NICHOLAS PURCELL.

Granting to him all the lands, manors, rents, &c., which Theobald Purcell, of Loughmoe, co. Tipperary, his grandfather, or James Purcell, his father, owned (as evidenced by the inquisition taken after James' death), at the rents paid on 22 October, 1641.

He shall hold them to the use of Elizabeth Fitzpatrick, heretofore widow of James Purcell, and now the wife of Colonel John Fitzpatrick, so far as regards such part of them as may have been settled on her for jointure by deed of 15 February, 1639, made between Theobald Purcell and Thomas Purcell, of Gortanny, co. Limerick, of the one part and James, Earl of Ormond and Ossory and Dr. Gerard Fennell of the other. *Pp.* 1¾. Dated 1663. *S.P. Dom. Signet Office V. pp.* 362-4.

Also entry of same. Dated 20 March. *S.P. Ireland* 312, *pp.* 46-8.

Also draft of same. *Pp.* 1½. *Undated. Endd. S.P. Ireland* 313, 75.

24 March. Whitehall. ENTRY of the KING to the LORD LIEUTENANT.

Recommending Patrick Sarsfield, of Lucan, for restoration to his estate. *P.* ⅔. A personal letter signed "your very affectionate friend, Charles R.". *Undated. S.P. Ireland* 312, *pp.* 24-5.

Also dated entry of same. *Ibid. p.* 50; and note of similar letter from Secretary Bennet. Dated 28 March. *S.P. Dom. Entry Book X. p.* 58.

Same. SAME.

Being well satisfied of the loyalty of Christopher Archbold, of Timolin, and that he had taken no lands in Connaught or Clare, I gave my order of 28 November, 1660, for his restoration. He complains that he has not been restored. Recommend him to the Commissioners of Settlement for restoration. *P.* 1. *Ibid. p.* 49.

Also note of similar letter from Secretary Bennet. Dated 28 March. *S.P. Dom. Entry Book X. p.* 58.

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ENTRY of PETITION.

Sir Anthony de Merces. Patents were granted empowering certain persons to import annually certain quantities of linen yarn into Ireland, but were suspended by King James I. Petitioner asks that they may be renewed in his favour at former rent, with a Royal warrant confirming same.

24 March. Whitehall. The King directs reference to the Duke of Ormond with recommendation in the petitioner's favour. *P.* 1. *S.P. Dom. Entry Book XIII. pp.* 249-250.

24 March. LORD KINGSTON to SECRETARY NICHOLAS.

The enclosed proviso is that which I wish may be added to that Bill which the Council here to-day transmitted for your estate in this kingdom. I might have joined it to several Bills here, or passed it in a bill by itself, but the first being dilatory the last chargeable, I rather chose to have it run the same fate with yours. If I could doubt that either of the Houses would give demur to the concerns of the bill I might assume to say this short proviso of mine would help to remove it, for though my interest in them be not strong enough to make one of them vote and unvote (as they say some in this kingdom can) yet I know they will not deny me any reasonable thing; and this I think such. If any charge extraordinary for addition of this proviso be "requisited" I shall willingly allow it; and towards the ordinary expense of the bill in gross I am ready to give my share.

The plot for seizing Dublin Castle has quieted men's minds here. It would have ripened into an attempt had it gone undiscovered for three days' longer, and if it had succeeded, this country would have been once more in a flame. Ludlow is said to have remained here until the last week, and I think he came here when the last design in England failed him. "He went from Limerick with a vessel pretended for the discovery of a Brazile, and, under that shelter, hath been fitting with arms, ammunition, provisions, &c., the two or three months last past." The Court of Claims sits daily and though it gives its judgments honestly and uprightly, yet it is so constituted that the expectation of English and Irish are raised up by the theory, but disappointed in practice. The judges have to be constantly counsel on one side or another, however honest they may be. Whilst this continues there can be no settlement, yet the fear of an army and the want of preparation for war keeps people quiet. I doubt we are now "but skinning a sore which may afterwards break out when we are unable to cure it." *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 307, 76.

25 March. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

We understand that you have got some interest in Loftus' estate. This has caused suspicion amongst his relatives, of whom Lords Cork and Orrery are the chief; and they may give some obstruction

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to the other business. I hear the Lord Lieutenant is also "brandled" at it as doubting what may become of Mr. Bagnall on the same account. You must moderate your intentions on that estate until the bill be passed here.

I sent you news concerning parcel of the estate of Luke Bathe, of Acarne [Athcarne], but now find that he is patronised by my Lord of St. Albans. If it appears so to you I am willing it should be declined, but, if you find it otherwise, and that there remains no more but to consider how the case stands here, I can assure you there will be no scruple in it.

A concession to which no objection would be taken and which you might obtain easily in that it is a mere contingency is the granting of the benefit of that clause in the Act of Settlement (*p.* 38) by which it is enacted that every man claiming by any false particular shall forfeit to the King so much as that to which he can make no title is worth. Though it is rare, in the face of this provision, to find people setting up false claims, yet I am sure that, before we go through all the claims that are made to remainders, we shall come across some claims which fall within the category. The Irish, at all events, have hedged in their lands by several claims, whereunto there can be but one good title. This is a consideration which has come to few people as yet "and perhaps not so proper for me to ask in my own name because I am to judge thereof;" but if you approve of it, it may be so designed as to be obtained without any great notice, and will in a great measure answer the expectation of him that shall give himself the trouble to look after it. I can the easier do this because I am bound to sit out the hearing of every cause and must take notice of whatever occurs.

I am sorry we were not able to acquit Mr. O'Neale's nephew, Mr. Netterville. Four witnesses accused him of being in arms.

I have lately discovered upwards of 1,500 acres of concealed lands in my Lord Clanmalier's estate. Our friend Talbot has got the *custodiam*, so that for so much we are reprised; and I doubt not but we shall discover more daily, so that the work will not be altogether so difficult as some apprehend from the vastness of the estate, "which I am informed at 2*s.* an acre will come to £2,500 per annum."

"The Bill sticks yet in our fingers but we expect soon to be rid of it."

We [the Commissioners of Claims] have frequently been three to three in our discussions; and unless Mr. Coventry comes back or Sir Richard Rainsford is given a casting vote (which is now much desired) we are likely often to be so in causes of great weight. At present almost every case is dismissed, "and the parties, though never so innocent, without any visible remedy." *Pp.* 1½. *Endd. S.P. Ireland* 313, 77.

25 March. Dublin. The Commissioners of Settlement to Secretary Bennet.

"Since our coming into this kingdom we have found so many unexpected discouragements from those whose security was and is a

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principal part of our case that we confess we are much dejected, and even ready to despair of carrying on this great work to the happy and desired conclusion." We are glad the King appreciates our difficulties and beg that he will cancel a severe vote of the House of Commons hereinclosed. We are grateful for the Lord Lieutenant's favour, which results from that of the King. So long as we have that favour we shall do our duty without fear. *P.* 1. *Signed by*—

Richard Raynsforde, Edward Dering,
Thomas Beverley, Edward Smythe,
W. Churchill, Edward Cooke.

Add. Endd. S.P. Ireland 313, 78.

25 March. [Richard Talbot to Secretary Bennet.]

I have not heard from you for many days, but know that you are busy and that you will send to me if you have anything material to say.

Your Bill is delayed by the absence of the Chancellor from town. I sent a messenger to him to-day and you will see his answer by the enclosed.

The Lord Lieutenant has heard from you touching a grant which you said you had got, or were to get, of Mr. Loftus' estate, and is sorry he cannot help you in it as Mr. Loftus is nephew to the Earls of Cork and of Orrery. I fear that the opposition to it is here so great that it may prejudice you in the matter of Clanmalier's estate, which is four times as great. I advise you to drop Loftus' matter till you are sure of Clanmalier.

I am promised a discovery of a great sum—£10,000—to be got here, and hope to be able to send particulars by next post. The discoverer only desires a third. You may have the rest and treat me as you will. *Pp.* 3. *Ibid.* 79. *Enclosing*—

[Before 25 March.] *Colonel Richard Talbot to Lord Chancellor Eustace.*

Secretary Bennet's Bill has been delayed because you have not been at the Council Board to put the Seal to it. Pray come to town to-day and seal it, or Mr. Secretary will suffer much by the delay. P. 1. *(Hol.). Followed by—*

Lord Chancellor Eustace to Talbot.

My good cousin: the bill can only pass at full Council. That will be to-morrow or Friday at furthest. P. ½. *(Hol.). In all, pp.* 1½. *Endd. Ibid.* 79, 1.

26 March. Entry of the King to the Lord Lieutenant for Sir Thomas Clarges.

Directing that he be sworn of the Privy Council of Ireland. *P.* ½. *S.P. Ireland* 312, *pp.* 32-3.

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27 March. SIR GEORGE LANE to WILLIAM GOLDOLPHIN, Secretary to SIR HENRY BENNET.

Acknowledging letters and promising to send the civil and military establishments, which have been modified. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 80.

28 March. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I have the greatest confidence in you and believe there can be no misunderstanding between us. I have not yet seen the letters which you said you had procured by your brother Secretary. If any such there be, I shall make use of the liberty the King gives me in my instructions to suspend the execution till I have by you represented the inconveniency that may follow, and thereupon received the King's pleasure through you.

I think you have not been well informed as to the title, value and uncertainty of the suit you made as to Mr. Loftus' estate. Even if he be found "guilty to the degree of forfeiture" it is so settled by conveyance and so charged with debts and portions, and a jointure, that his interest is inconsiderable. The "disobligation would extend to a large alliance he has by his mother who is sister to the Earl of Cork." I am at a loss to understand one part of your letter. Of course the King and Kingdom must suffer if the House of Commons be not in good humour, and it is easier to get them into a bad humour than out of it. Our Commons here are restrained by some laws that do not bind those there.

The Commissioners [of Settlement] will by their letter say how things stand between them and the Commons. They could not agree among themselves as to the drawing up of the letter, so they drew two drafts and left it to me to decide which should be sent. [*See above pp.* 48-9.]

I compounded the two. I tell you this to show that differences exist amongst them, and if these exist also—as they must do—in the case of their judgments, it may happen that the most innocent person may be ruined; for if there is no decision in the case of an applicant, then he is for ever concluded, and the possessor of his estate secured. Mr. Coventry should return or another be put in his place. It would not be well to give any of the remaining six a casting voice, since people know well how they are divided.

A clause in the Act gave the King power to restore to their houses in some corporations certain persons who would otherwise be kept out of them, but they are to receive reprisals to the value of their houses. "That they were not to be restored to their houses was that the towns might be secured and better inhabited for trade; and that the value should be given them was to avoid the injustice of taking away the inheritance of an innocent person without full recompense." The aforesaid power is left in the King that he may restore to their ancient possessions persons of conspicuous loyalty. In order that the King may not be "importuned nor in danger" to misplace that favour, I pray that he may not exercise it except on a certificate from me. I shall best know who deserve it.

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The design to surprise this castle sticks at Hulet. We can trace it no further, not even get enough evidence to criminate him legally. This danger increases my desire to pay the army and have a stock to make it more. I think I have so explained my Lord of Orrery's pretension to the King that he will not scruple to sign the letter, whereof you will receive a draft from Sir George Lane. If my Lord of Anglesey's be upon the same foundation [?], which will be told you by Sir James Shaen, there is as little difficulty in that. *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 313, 81.

28 March. Draft of the Lord Lieutenant to the King.

I am glad to hear that money will be sent and will spend it usefully. The House of Commons has withdrawn a regulation adverse to the Commissioners [of Settlement] and this shows that they may return to a better temper. Should they not do so there are grounds enough for an adjournment or prorogation "with satisfaction on all sides," and it will then be time to think whether an altogether new Parliament should not be called. If your Majesty would write to me or to their Speaker a letter taking note of their retractation, and accepting it as evidence of their dutifulness to you, I think such a letter would have a good effect.

We find a difficulty in inculpating people in connexion with the recent plot against "the Council and Parliament." We cannot get evidence, and since yesterday I have heard that some go about persuading the English that the [Iri]sh had a plot to destroy them.

The particular I recommended to Secretary Bennet for the Earl of Orrery is for recompense of a grant of £1,500 a year to him. This was granted him out of lands set out in Ireland for service done in England and he is now about to surrender it. He is surrendering it for only one-third part of the lapsed money of the Adventurers, and this is not near the value of that he parts with, and "what he now desires could not have been in your Majesty's disposal but by his prevailing with the Adventurers (who were to have the benefit of it), to consent to have it put into your Majesty in trust by the Act." You are now to have a third part and Sir Edward Nicholas and Mr. Secretary Morice a third part so that your Majesty is doubtless well paid for the use that was made of your name and may be well content to part with £20,000 that was not your own (if it came to so much) for £10,000 and the saving of £1,500 a year that either is your own or must be applied to reprisals [and] the saving of some honest man. Lord Orrery should be enabled to complete the bargain.

God s[pare] your Majesty. *Pp.* 3. *Imperfect. Endd. Ibid.* 82.

Same. Colonel Richard Talbot to [Secretary Bennet].

Your Bill is now going over sealed. Return it soon with letters to your friends in the House of Commons and we shall soon get it passed. I will never abandon this Bill until I can walk upon the whole estate, which I hope will be soon. *P.* ½. *Endd. Ibid.* 83.

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28 March. ENTRY of the KING to the LORD LIEUTENANT for SIR MAURICE BERKELEY.

Directing that he be sworn of the Privy Council of Ireland. *P.* ½. *S.P. Ireland* 312, *p.* 51.

29 March. Dublin. SIR JOHN TEMPLE to SECRETARY BENNET.

Your Act, having been long at the Board, is now engrossed and going. Lord Aungier was appointed by the Lord Lieutenant to take care for the speedy despatch of it. Although he has worked hard at it I think you should take the opinion of your own counsel on it before it goes to the Privy Council. The lawyers here say that your patent, on which the Bill was founded, was not so full as it might have been in regard you were granted only the reversion of Lord Clanmalera's [*sic*] estate and not the King's whole interest, which would have probably given you a "title paramount to the great Act of Settlement." You should consider this point.

Lord Aungier has a good proviso for himself, and the interest of the Adventurers and soldiers on the estate is carefully preserved. You must see that your friends here have good promises of reprisals and then it will pass easily. I am ready to serve you in every way. *Pp.* 1½. (*Hol.*). *Endd. S.P. Ireland* 313, 84.

Same. NOTE of a LETTER from MR. SECRETARY in favour of PATRICK SARSFIELD.

It refers to the King's previous letters in Sarsfield's favour and directs that steps be taken to restore him. Also note of a letter directing that Sir Theophilus Jones, who occupies Sarsfield's estate, have speedy reprisals. *P.* ½. *S.P. Dom. Entry Book X. p.* 58.

30 March. Docquet of licence to John, Lord Berkeley, President of Connaught, to be absent from Ireland for two years from 10 March [inst.] and continue that time in England. *Four lines. S.P. Dom. Docquets, Vol. XXI., p.* 220.

Same. LORD CHANCELLOR EUSTACE to SECRETARY BENNET.

Your Bill will reach you together with two for me, one being to transfer to me and my sons £1,000 a year, which I do not express for any vain glory, but that I hope yours will have better luck there, and here, when it comes back to the Houses. I have chosen my secretary, Mr. Tempest, a man recommended by the Queen Mother, to follow and solicit that matter. Let me know if I can do anything for you. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 85.

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General date, About March.

DOCUMENTS RELATING TO THE CASE OF THE EARL OF TYRCONNELL.

Entry of Petition of the Earl of Tyrconnell, showing that:—

Petitioner was required by the Queen Mother to leave the service of the French King in order to serve Charles I. in England. He desires some compensation from crown lands, rectories or impropriations in Ireland already expired or expiring, and likewise the forfeited lands in co. Donegal of one McSwinie, Thurlough O'Boyle and others, not above 800 acres of land and 4,200 acres of mountain, which exceeds not £200 a year, &c. *P.* ½, *with note of—*

Order, referring the petition to the Marquis of Ormond. *P.* ½. *Undated. S.P. Dom. Entry Book XIII. p.* 131.

Entry of the King [to the Lord Lieutenant] for the Earl of Tyrconnell.

The Earl is a person "whose endeavours in our dear Father's . . . . service do in our opinion overbalance anything that can be objected against him," but has been judged nocent by the Commissioners and his estate is handed over to officers who fought before 1649. You and these officers—for whom we have made generous provision—shall release the lands to him and his heirs. *Pp.* 2. *S.P. Ireland* 312, *pp.* 51-3.

This concludes the documents relating to this case.

APRIL, 1663.

1 April. Dublin Castle.

LODOWICK JACKSON to JOSEPH WILLIAMSON.

I have only to salute you. I believe this climate "alters the constitution of all that waft themselves over to this shore," as lately appeared by some of their intentions to start a new rebellion. You will hear from the Lord Chancellor's secretary how the plot was frustrated. "To send news to you would be to turn the spring to the fountain head," for we live here solely by the expectation of your news. *P.* ½. *Add. Endd. S.P. Ireland* 313, 86.

2 April. Whitehall.

ENTRY of the KING to the LORD LIEUTENANT for the EARL OF STRAFFORD.

In regard of the Earl's great sufferings as to his estates during the late unhappy wars, we direct you to pass his accounts and state fully our debts to him here, and to finish the treaty with him for his woods, and pay him what may be due for them under such treaty or for such debts. *P.* ¾. *S.P. Ireland* 312, *p.* 54.

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2 April. SIGN MANUAL WARRANT to the LORD LIEUTENANT.

Directing him to survey and make a list—to be sent to the [Master] of the Ordnance—of several quantities of broken and unserviceable ordnance which may be useful in England. Directing him also to send these pieces to England on the first occasion of convenient transport. *P.* 1. *Countersigned by* Secretary Bennet. *S.P. Ireland* 313, 87.

And entry of same. *S.P. Ireland* 312, *p.* 55.

3 April. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

I send a list of the officers sent out of England to Ireland in 1649 under Cromwell, to the end you may please to cause inquiry to be made for the discovery of what assignments were made in England for their several entertainments in the Irish service. I have appointed Mr. Halsall, my agent, there to attend upon you and to receive such commands as you shall think fit to give him concerning this particular, and to employ his endeavours at your directions in the matter. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 313, 88.

Same. LORD CHANCELLOR EUSTACE to the SAME.

I send you the Bill herewith. Take some steps to get the estate into your own hands; otherwise they may in a "disconted" humour destroy all the woods and make it away. There is no law to restrain them, and the wood is a great part of the profit of that land. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 89.

Same. SIR GEORGE LANE to the SAME.

I send you enclosed letters of the Duke of Ormond to the Council and to the King. They go by Mr. Tempest, who will do his best to deliver them. The House, as you will see, has retracted its resolution of February 28 and will probably be in a better temper in the future. Many of the leading members have, since the retractation, come privately to the Lord Lieutenant with assurances of acquiescence in what he may judge fit for the King's service. *P.* 1. *Add.* "For yourself." (*Hol.*); *probably enclosing the letters of the Lord Lieutenant of* 28 *March, q.v. supra pp.* 50-51. *Endd. Ibid.* 90.

Same. DRAFT of the LORD LIEUTENANT to the KING.

I think it well to reply to the part of your Majesty's letter of the 22nd of last month, wherein you were pleased to trust me with your resentment of the carriage of some of your servants. I held this to be a matter not to be mixed with the other matters mentioned in your letter.

I think it my duty always to give your Majesty independent advice and to support that advice with any evidence that I may have to give. I hope this freedom may be preserved to me; if it

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were not so, you would quickly find "compliers enow, but few, if any, good councillors." It is true your Majesty is and ought to keep yourself judge of their advices; and he can be no very dutiful councillor that shall publicly oppose or even disavow the resolution you have taken, though it should be against his sense, especially if his public opposition be more violent than his private. I know not of whom I write and can only advise on principle, but am bound to advise as best I can on that ground. My only hope is that I may serve you well and that God may guide and preserve you. *Pp.* 3. (*Hol.*), *not signed or addressed. Endd. S.P. Ireland* 313, 91.

3 April. Dublin Castle. DRAFT of the LORD LIEUTENANT to SECRETARY BENNET.

This poor gentleman, Lord Neuterfield [Netterville], who is the bearer hereof, is fallen from high hopes of restoration to be adjudged nocent. The Court had much sympathy for him, but nobody here is able to devise anything for his assistance. While his cause was depending he was able to get credit, but now this is taken from him and he and his family are in great extremity. I should like to relieve him here, but, as you know, our powers are too restricted to enable us to do acts of charity.

Lord Kingston wants a clause in some Bill for the settlement of his private fortune and wishes to put it into your Bill. If this is done you will gain much support for your measure, as he has many friends here. *Pp.* 2. (*Hol.*). *Endd. Ibid.* 92.

Same. COLONEL RICHARD TALBOT to the SAME.

Sending the Bill about Clanmalier and promising to use every effort to push the matter through. *P.* 1. (*Hol.*), *unsigned and unaddressed, but in* Talbot's *hand. Endd. Ibid.* 93.

4 April. Dublin Castle. SIR GEORGE LANE to the SAME.

Being in a hurry to make up this packet I forgot to mention this petition which you will find in a letter concerning Mr. Wingfield, which is recommended by the Lord Lieutenant for the King's signature. *P.* ½. *Signed. Add. Endd. Ibid.* 94.

4 April. Whitehall. [————] to the LORD LIEUTENANT.

I write this to remind you of the recommendation I formerly made in favour of Lord Callen, the son of the Earl of Desmond, to have a troop of horse in Ireland. He should have the troop now vacant by the death of Lord Falkland, in case he has not already got the troop made vacant by the death of Sir Thomas Armstrong. *P.* ½. *Unsigned and unaddressed. Endd. Ibid.* 95.

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4 April. Whitehall. The KING to the LORD LIEUTENANT for LORD CALLEN.

Further recommending Lord Callen, the Earl of Desmond's son, for the troop of horse in Ireland left vacant by Lord Falkland's death. *P.* ½. *S.P. Ireland* 312, *p.* 61.

About same. SAME to SAME for DUDLEY COLCLOUGH, of co. Wexford.

Recommending him specially for good treatment. He is within the terms of the Act of Settlement and the Commissioners shall be directed to restore him. *P.* 1. *Ibid. pp.* 58-9.

About same. SAME to SAME for CHARLES, VISCOUNT MUSKERRY.

Lord Muskerry has served us well, and owing to our late disposition of Dunkirk, &c., we have not been able to keep his regiment of foot in our pay. The estates of several freeholders in the barony of Muskerry are forfeited to us by treason and have been seized by persons having no title. You shall obtain a report as to the lands forfeited to us in that barony and make a grant of them to Lord Muskerry and his heirs for ever. Clause for reprisals in case of restoration of the old proprietors by the Commissioners of Settlement to any part of these lands. *Pp.* 2½. *Undated. Ibid. pp.* 56-8.

6 April. Whitehall. SAME to SAME for GERALD LEYNS or LINS, of the Knock, co. Meath.

In reward for Lins' loyalty in our service (he lost two sons therein, and a third died in exile) we, in March, 1661, ordered the Lords Justices to restore him to his estate. We direct you to expedite his trial and get him restored. In the meantime he shall have such part of his estate as is in our hands. *P.* ⅓. *S.P. Dom. Signet Office V. p.* 386.

Also draft of same. *P.* ⅔. *Endd. S.P. Ireland* 313, 96.

Also entry of same. *P.* 1. *S.P. Ireland* 312, *pp.* 59-60.

8 April. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I suppose you have by now got your Bill, and hope you will send it back soon, and with few alterations. You will then have to get the King's letter to us, as to the form and direction of which I shall advise you later on. My last letters will inform you how little we get here by our projections[?] of begging. I do not think the Lord Lieutenant would agree to our getting Bath's estate; but as to that of the forfeitures, something may arise out of it worth the asking, which is more considerable as nobody at present pretends to, or thinks himself concerned in, the thing. If you approve the design I will send you a petition ready drawn which will explain all the details to you.

I hope Mr. Coventry will soon come back. The equilibrium of our votes has brought almost all business to a stand. We do not like to hear important cases, as, if we are evenly divided, we put

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the possessor in for ever by leaving the matter as it was before the hearing. Thus Lord Fingall's case remains, "like Mahomet's tomb, between heaven and Earth *in equilibrio*." We are afraid to deal with it lest we ruin him by giving no sentence. As we are three against three we have not yet been able to answer the King's letter which came to our hands two months since. We may return two answers, or else one signed by only three of us. We differ as to whether we should give some account of the votes that concerned us here. *P.* 1. (*Hol.*). *Endd. S.P. Ireland* 313, 97.

8 April. Dublin. The Earl of Castlehaven to Thomas Chivirs, Esq., "near the King at Court."

After eight months' solicitation I have been unable to get the £4,000 which the King was pleased to grant me. The fund on which my grant was placed is overcharged and I must have a special letter from the King, which is the only remedy. The Lord Lieutenant has perused the enclosed draft and promises to do his part when the letter comes. *P.* 1. (*Hol.*). *Add. as in heading. Endd. Ibid.* 98.

9 April. Whitehall. The King to the Lord Lieutenant for Philip Hore.

Recommending him for good treatment. He shall have leave to amend his claim for restoration to his estate and have his case tried promptly. *P.* ½. *S.P. Dom. Signet Office V. p.* 403.
And entries of same. *S.P. Ireland* 312, *p.* 30, *and pp.* 61-2.

[About 10 April.] Entry of Same for Frances Lye.

Directing that he be made escheator of Leinster in succession to Patrick Tallant, deceased. *P.* ½. *S.P. Ireland* 312, *p.* 62.

10 April. Council Chamber, Dublin. Proclamation by the Lord Lieutenant and Council.

By our proclamation of 15 August last concerning the due payment of rents, quit-rents and other sums due to the King we gave notice to those who failed therein that they would incur risk by doing so. We hoped that this notice would have prevented us from being obliged to exercise "the utmost rigour against them," which we have forborne so long as treasure could by any means be found for the army and civil list. There is no more means of supplying these necessities—which have been largely supplied from England—and we find that "our lenity, which should have quickened defalters hath rather made them presumptuous in detaining His Majesty's dues beyond what was adventured in the late times of usurpation, when His Majesty's subjects lay under heavier burdens and taxes quarterly than they do now in the whole year."

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Collectors and accountants in most counties fail in their payments, by reason of which the King's army is now near three months in arrear since the Lord Lieutenant landed in this kingdom, though there is sufficient due to the King to discharge those arrears. We, the Lord Lieutenant also, intend that the army shall shortly take the field and continue abroad much of the summer. To the end there may be no "buthering" His Majesty's subjects by billet or free quarter and in order that civil justice may still be administered we declare that if any persons shall fail in payment of their Easter rents, quit-rents and other moneys due and payable by them at the receipt of the Exchequer, at or before the last day of Easter term next, or if any farmer of inland Excise or any person accountable for "any part of the duty of Excise or new impost, customs, subsidies, compositions, the money due for fire hearths, places used for firing and stoves or other sums of money" shall fail to account for the sums due from them at the end of Easter term, or for such sums as may afterwards be due at the times prescribed by the Earl of Anglesey, the King's Receiver-General in Ireland, or the Court of Exchequer here, such person must expect "that besides the observation which we shall make of the disaffection of such as by withholding His Majesty's dues, do, as much as in them lies, distress the Army and Government, they must expect the strictest and most coercive course shall be taken with such" by sending pursuivants for them, taking distresses and otherwise. We shall from time to time require from the Vice-Treasurer an account of the vigorous execution of this proclamation and shall assist him with the power of this Board in punishing and displacing those whom he shall find to have transgressed their duty and this proclamation.

The principal officer of every city and corporate town and the sheriff of each county shall publish this proclamation. [*Details.*] *Pp.* 2½, *&c., as proclamation of* 18 March, *above p.* 45. *S.P. Ireland* 309, *pp.* 186-8.

11 April. COLONEL JOHN FITZPATRICK to SIR JAMES SHAEN.

The enclosed is for Sir Henry Bennet, wherein I desire his favour to get leave from the King for the claims of three[?] poor friends of mine to be put in. Please have them written out fair and give them yourself to Mr. Secretary. The time for restoring innocents is end of June next, so I beg that the letters may be obtained with all possible speed, and ask you to be diligent in the matter. *P.* 1. (*Hol.*). *Add. Badly spelt. S.P. Ireland* 313, 99. *Enclosing—*

Colonel Fitzpatrick to Secretary Bennet.

Presenting the following draft and begging for favourable consideration. P. 1. *Dated* 11 *April, with a Spanish postscript promising service.* (*Hol.*). *Ibid.* 99, 1. *Covering—*

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Draft of the King to the Lord Lieutenant for Colonel Fitzpatrick.

It appears by report of the Commissioners of the Treasury that soon after our Restoration we ordered Colonel Fitzpatrick to be restored and remitted certain new quit rents which were payable by him on his restoration, granting him his estate at the old rent paid in 1641. *He fears, however, that on account of some general words in the Act of Explanation he may be troubled for the said new quit rents. You shall by patents release him from all such quit rents. Clauses for execution. Pp.* 2¼. *Endd. S.P. Ireland* 313, 99, 1*a*.

11 April. [Sir Robert] Walsh to the Earl of Bristol.

On Tuesday next [there is to be a trial as to] the value of my birth right and pretention in Ireland to my small estate. Pray recommend the enclosed to Sir Henry Bennet for the King's signature. *P.* ¾. (*Hol.*). *Add. Endd. Ibid.* 100.

10 and 13 April. Petition and Order of the House of Commons in Ireland.

Concerning Popery. *The petition and order are respectively printed in House of Commons Journals, Ireland,* Vol. I., p. 649-650 and in *Ibid.* p. 651, col. 2, pars. 3 and 4; *q.v. Endd. In all, pp.* 4½. *Ibid.* 101.

Also another copy of the petition. *P.* 1. *Ibid. p.* 102.

13 April. Whitehall. Entry of the King to the Lord Lieutenant for Mrs. Elizabeth Vernon.

Mrs. Vernon petitions for confirmation of her claims and those of Basil Brooke, her son, grandchild of Sir Basil Brooke, upon the mines in Munster. Sir George Hamilton's grant of all the mines in Munster has not yet passed the Seal. You shall consider her petition and do what is just. *P.* ½. *S.P. Ireland* 312, *p.* 63.

Same. Same to Same for Lord Berkeley and Colonel Richard Talbot.

James Allen, of St. Woolston's, whose lands were restored in consequence of a decree of the Commissioners of Settlement, has sold these lands to Lord Berkeley, President of Connaught. You shall grant them to Lord Berkeley and Colonel Richard Talbot. *Pp.* 1½. *Ibid. pp.* 64-5.

14 April. Whitehall. The King to [the Lord Lieutenant and Council] concerning Sir Nicholas Armorer.

By the Act of Settlement the Commissioners of the Declaration were empowered to set aside an estate of £200 a year for maintenance of Arthur and Martha O'Connelly, orphans of Owen O'Connelly,

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out of the forfeited lands of Murragh, Leestown, Wespalstown [Westpalstown], Bermondstown [Barnanstown], Artane, and Bremore or Newhaven, in the baronies of Balrothery and Coolock, co. Dublin. The lands so to be set out were to be chosen out of forfeited lands in such a manner as to be most convenient for the said orphans and were to be let at such rent as the Lord Lieutenant thought fit. We are informed that these lands are of much greater yearly value than £200 a year, more than which we did not intend to give them. You shall grant to Sir Nicholas Armorer, for whose good service we are grateful, the houses and lands of Artane, which were formerly the property of Nicholas Hollywood, of Artane, situate in the parish of Finglas and barony of Coolock, co. Dublin, with the appurtenances, and also so much of the lands of Murragh, Leestown, &c. [*as above*] as, on a true survey, turn out to be of greater value than £200 a year. He shall hold these lands for such time and on such terms as you think fit. *Pp.* 2. *S.P. Dom. Signet Office V. pp.* 366-7.

14 April. Whitehall. The KING to the LORD LIEUTENANT for SIR CONNELL FARRELL.

Directing that in reward for his services abroad he shall receive land in Ireland to the net value of £500 a year, to be held at a fit rent. If he be turned out of these lands he shall receive reprisals of equal value. Favourable clauses for execution. *Pp.* 1¾. *Ibid. pp.* 368-9.

Also draft of same. *Pp.* 2. *S.P. Ireland* 313, 103.

Same. SAME concerning lands given to SIR MILO POWER.

In consideration of services rendered by Colonel Milo Power and his brother, Colonel Richard Power, we declared our pleasure by letters of 31 July, 1661, and 16 April, 1662, under our Privy Signet, that lands to the value of £500 a year should be passed to Colonel Milo and his heirs. He has not yet, as we are informed, received the full benefit of our Royal intentions. You shall grant him lands of the value of £500 a year net at the rent you think fit. Every thousand acres of his lands shall by our letters patents be raised into a manor with power of keeping courts leet, view of frankpledge, and courts baron for ever if he desire the same. He shall have the right to have a fair twice a year, and a market once a week. Clause for reprisals. Power shall pay no rent but that herein reserved. *Pp.* 2¾. *S.P. Dom. Signet Office V. pp.* 369-72.

Before 14 April. NARRATIVE and SUIT of FOLIOT WINGFIELD, of Powerscourt, co. Wicklow.

Recites the eminent services of Sir Richard Wingfield, late [first] Lord Viscount "Powerscorte," in France, Spain, and the Netherlands, his training of the English army with 1,000 English musketeers

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from Holland at the time of the "Spanish great Armado," his service at Kinsale battle, his Marshalship of the Irish army under Elizabeth, James I. and Charles I., his membership of the Privy Council of Ireland and commissionership for settling estates in Ireland.

The first Lord Powerscourt died full of years and honours in 1634 and appointed to succeed him in his English and Irish estates his near kinsman, Sir Edward Wingfield. After Sir Edward Wingfield the estate of which, according to inquisitions of record in the Courts of Exchequer and Chancery in Ireland, he died seized, came in 1638 to Richard Wingfield, who was then seventeen years old and a ward to the King.

The rebellion in Ireland broke out in 1641, before Richard could attain his majority or sue forth his livery.

Sir Edward Wingfield soon after the decease of the Knight Marshal purchased for valuable considerations from the lawful proprietors, the towns and lands of Killmackenock [Kilmacanoge], Glancormick [Glencormick], Boullenteskin [Ballinteskin], Killough, Coolmore, Glanmore, Coolkeaght [Coolcot], Balynvane [Ballinvane], Ballyhoome [Ballyhown], Ballyredmond, Stelbane [Stilebawne], and Ballygage [Ballygauge], with two mills in Ballymacartagh [Ballymacarthy] (the eighth part of Glancormick and Boullynteskin alone excepted), Killmurrye [Kilmurry], Glastnespiroge [Glashnespinog], Callaragh [Calary], Kilcrony [Kilcroney], with a mill. Tyhytample [Temple House or Teach-Temple], Ballenlostye [Ballinlosty], and Ballynorenane [Ballynareheen], all in the Glancapp [Glencap], half barony of Rathdown, co. Wicklow,[1] being in all 3,361 acres of all sorts of ground and 1,772 acres of profitable ground, all parcels of the little territory of Glancapp contiguous to the said manor of Powerscourt "which territory time whereof no memory of man was to the contrary before was held of the manor by suit of court and other services." These lands descended to Richard Wingfield. Evidence of all these facts can be adduced.

In 1641 all the houses and plantations on Richard Wingfield's land in Dublin, Wicklow, Wexford, Tyrone, Limerick and Clare were razed and burnt by the rebels; all his plate and household stuff and most of his writings and evidences also plundered. Sir Richard and his younger brothers were thereby driven to great hardships.

Richard Wingfield nevertheless enlisted in Lord Ormond's army in 1641 and served first as a captain and ultimately as lieutenant-colonel of a foot regiment. He died in 1645. On his death the estates came to Folliot Wingfield, who was then two years and some months old, and who was then ward to King Charles I. and now to Charles II.

[1] Mr. Grattan Flood has kindly sent me several of these identifications. In May, 1903, I sent a transcript of this document to the late Lord Powerscourt and it was placed in the appendix to his "History of Powerscourt," but without many of these identifications. At the time when I sent it him I was not able to give it a date, but the surmise as to its date expressed in Lord Powerscourt's book proves to be approximately correct.

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The King on his restoration granted the wardship of Lord Folliot to Roger, Earl of Orrery, who married him to his [the Earl of Orrery's] eldest daughter, to whom he gave a considerable portion and then sent him abroad. He still remains there, preparing "to trace the ways of loyalty and honour unto him chalked by his ancestors in the service of the Crown." The Earl of Orrery applied the said portion to clearing the estate of debts and younger children's portions.

He prays for a fresh grant by patent of his whole estate. *Other details. Pp.* 2. *Endd. S.P. Ireland* 313, 104.

14 April. The King to the Lord Lieutenant for Ffoliot Wingfield, of Powerscourt.

The narrative attached to the petition wherein he asks for leave to sue out his livery is believed by you to be true, and you have had proof that Sir Edward, his godfather, was seized, or reputed to be seized, of the lands, &c., of [*here follows list as in foregoing, the spelling being in some cases different*]. You shall grant him these lands without fine. He shall hold his lands in the Byrnes' country as of our castle of Wicklow in common socage, and his lands in Glancap [Glencap] as of our castle of Dublin in common socage. He may create any tenures he likes on the lands in Glancap. *Pp.* 2. *S.P. Dom. Signet Office V. pp.* 372-4.

Same. Same for Abraham Strange.

Owing to the delays of his counsel, Abraham Strange, of Tobberduffe [Toberduff], co. Wexford, did not put in his claim in time. You shall dispense in his case with the limit of time and shall treat his application on its merits. *Pp.* 1¼. *Ibid. pp.* 374-5.

Same. Same for the Earl of Kildare.

Directing that letters be passed for issuing to him pardon for all treasons, felonies, &c., committed against the King and his ancestors. *P.* ⅔. *Ibid. p.* 376.

15 April. Colonel Richard Talbot to Secretary Bennet.

Your bill has gone over, &c. You should write a kind letter to Sir Richard Ransford, acknowledging your thanks to him and his fellow Commissioner, Sir Thomas Beverley, for their willingness to forward your interests. The reprising of persons on your estate—for whom reprisals must necessarily be found—will depend entirely on them. I have found out an important concealment which will do for reprisals and shall no doubt find enough for all. I will see the matter through before I leave here. *P.* 2, *with valediction in Spanish. Endd. S.P. Ireland* 313, 105.

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18 April. Whitehall. DRAFT of the KING to the LORD LIEUTENANT for SIR ROBERT WALSH, of Little Island.

We have received good evidence of the late Sir James Walsh's loyalty, and know that if he lived in the Irish quarters at the time of the rebellion it was by permission of ourselves and the Lord Lieutenant. The Earl of Bristol and Daniel O'Neale also certify in his favour. We recommend his son, Sir Robert Walsh, to your care for restoration to his estate. *P.* ⅔. *S.P. Ireland* 313, 106.

[Same.] [SAME to SAME.]

Similar in substance to foregoing. Sir James Walsh rendered considerable services to Lord Esmond, who in 1647 was Governor then for the King in the fort of Duncannon. *P.* ½. *Endd. Ibid.* 107.

18 April. Dublin. SIR THOMAS CLARGES to SECRETARY BENNET.

I am told that there has been great difficulty in passing your bill and that if any alterations are made in it it will not pass this Parliament. Those in the House of Commons are interested persons and averse to any abatement of the Act of Settlement; and although what is done in your favour does not dispossess the adventurers and soldiers now upon the lands till they are first reprised, yet they object that it takes up so much of the security which is of avail for adventurers and soldiers in general.

"I am informed by a gentleman that came lately from that country where your estate is (for so I will call it) that it is the pleasantest place in Ireland and the best wooded part, for so much, in all that country, situated on the river Barrow, which is one of the best and most navigable of this kingdom." They fear, however, that great waste will be made by those in possession between this and the time when the bill is passed. Your best course to prevent this is to get a [King's] letter to the Lord Lieutenant restraining the tenants from such waste. This will save you some hundreds of pounds and preserve "the beauty of the seat, which may be much deformed if the woods be cut (which are now as scarce in Ireland as in England)."

Parliament has adjourned till May 25th, and unless you can have your bill back here by that time it will be in some danger, for the Lord Lieutenant is to go a progress in June, and unless it is passed before he goes, objections may be urged against it. *Pp.* 3. (*Hol.*). *Add. Endd. Ibid.* 108.

21 April. Whitehall. The KING to the LORD LIEUTENANT for the EARL OF CASTLEHAVEN.

The Earl petitions, showing that he has not been paid the £4,000 which we ordered to be paid to him by our letters of 6 July, 1662, and is likely to be cut short by retrenchments on the moneys on which this £4,000 was charged. The sum shall be paid to him in full. *P.* ½. *S.P. Dom. Signet Office V. p.* 377.

Also entry of same. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 66-7.

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22 April. Dublin. SIR GEORGE LANE to JOSEPH WILLIAMSON, Secretary to SECRETARY BENNET.

Easterly winds have delayed all the packets hence lately. We are grateful for your news and shall send you information whenever we think fit. I am anxious to serve you. *P.* 1. (*Hol.*). *A polite letter. Add. Endd. S.P. Ireland* 313, 109.

23 April. Dublin. SIR ALLEN BRODERICK to SECRETARY BENNET.

The Lord Lieutenant is going to send a warrant over for appointing me to succeed Mr. Coventry on the Settlement Commission. We were sorry to lose Mr. Coventry. I hope I may have your support in this matter. *P.* ¾. (*Hol.*). *Endd. Ibid.* 110.

24 April. Dublin. COLONEL JOHN FITZPATRICK to the SAME.

I hear you have had for a month a letter sent you by the Lord Lieutenant to be signed by the King for restoring my son Pursel's [Purcell's?] estate and with it my wife's jointure. The letter not having been returned, must have miscarried or not been signed. I beg you to let me know about it. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 111.

24 April. Kilminshy [Kilminchy]. The EARL OF INCHIQUIN to [the SAME].

Although the King has given orders for the restoration of my brother to his estate, he cannot be restored unless he has the King's letter in the form in which it was sent in draft to you. Please get this letter to the Commissioners as soon as you can, and order it to be delivered to Colonel Bretridge. *Other details. P.* ¾. (*Hol.*). *Endd. Ibid.* 112.

25 April. Dublin. The LORD LIEUTENANT to the SAME.

Details as to Lord Tyrconnell's grant.

Granger is so dexterous with his fingers that he is not to be trusted without strict supervision. He has a bad reputation; but if brought safe here will be carefully watched.

Your bill, if it arrives here by the 25th of next month, will have a quick passage through both Houses.

Details as to Loftus' forfeiture. He should not be treated with undue severity, as he is a young man.

A fresh Commissioner of Settlement should be appointed to succeed Mr. Coventry. The danger of even voting on the Commission is a serious one and should be obviated.

I do not understand why Lord Orrery's letter is struck out, as I pointed out how much the King will gain by it. I must presume there is some valid reason,

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The House of Commons here is as hot as the English against Popery and has sent the heads of two bills with a request that they may be "composed into Acts" and sent for approval to England. They are for putting in force the anti-Catholic laws of England in Ireland; and for prescribing who shall take the oath of supremacy and the punishment for failing to take it. They will be referred to a Committee of the Board and I should like the King's direction on them. *Pp.* 3½. (*Hol.*). *Add.:* "For yourself." *Endd. S.P. Ireland* 313, 113.

25 April. Dublin. The Lord Lieutenant [to Secretary Bennet].

I fear you misunderstand my feelings towards you and have it from Mr. O'Neale that you complained to the King of my unkindness. Perhaps this is the reason why a letter long promised me has not come, which is to make good my losses in the Crown's service, and is needed to save my family; and why so many of my recent recommendations have not been answered since you became Secretary. If you are hostile towards me I should like to know your reasons; or otherwise I shall be glad to hear that I am mistaken. *Pp.* 1¾. (*Hol.*). *Add. Endd. Ibid.* 114.

25 April. [Colonel Richard Talbot] to the Same.

I am glad your bill has come over, though it must lie idle till the House of Commons meet on May 25. The passing through the House of Commons will not be the only difficulty, as the finding of reprisals and moving those who are not reprisable will be the main work. I shall stay till the whole is done. Mr. Churchill would do it equally well, but he is a judge and therefore cannot be a solicitor. The Lord Lieutenant has suggested Sir Allen Broderick to the King in the place of Mr. Coventry. He would suit your purpose, for, being Commissioner and Surveyor, what can he not do to reprize the persons on the lands you desire. If he is appointed "I'll warrant all will go clear without rub in your business."

I hope you will get this letter—for him and me to be reprised for the Duke's lands—signed by the King. It is considerable to me, as those whose lands we have are mostly judged restorable.

For the woods, they were daily destroying them. On my first coming I sent an order to prevent them from cutting any more. I will let you know soon about a fresh discovery which I think may turn out to secure a definite and real profit. *Pp.* 3½. *Add.:* "Mr. Secretary." *Ibid.* 115.

Same. Sir George Lane to the Same.

I have told the Lord Lieutenant of your desires for Mr. Lye; but his Grace finds that the office of Escheator of Leinster is one of those which are in his own immediate gift and has passed a promise of it already.

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Major Preston shall have the benefit of the King's direction to his Grace to do him "what favour he could." If, however, it had been a case of any particular grant, your signature would have been necessary. Please do not omit it. You will receive herewith a list of letters recommended by his Grace. Those for Mr. Purcell, his Grace's nephew, and Mr. Richard Jones have not been returned, nor is Dr. Stearnes'. His Grace would like them to be returned.

The House has been debating the putting in force of the penal laws against Catholics, but has decided that it would be unreasonable. It was then proposed that a Committee should be elected to go to Court, to exonerate the House from charges of disloyalty, and to stay there in order to vindicate it on all occasions. This was almost carried. The order of the 28th of February reflecting on the Commissioners was expunged from the Journals with all imaginable cheerfulness. This looks as if they were in better temper and I hope that, when they meet on May 25th, they will give evidence of it. *Other details.* *Pp.* 3¼. (*Hol.*). *Endd* *S.P. Ireland* 313, 116.

25 April. Lord Chancellor Eustace to Secretary Bennet.

I hope your bill will soon be back and feel sure it will pass. I shall use my influence—which is strong—to support it. I wish I had known earlier of the proceedings, for then I could have easily proved that there was no interest in anybody but the King. You had better get the opinion of the Attorney and Solicitor-General on the enclosed case.

As for my own affairs—when I was last in England the King promised me to be Baron of Cryeustace or Portlester at my election; "and because I had no children by my wife, and that both of us were well struck in years" the Lord Lieutenant induced the King to let the honour remain, after my death, on those of my blood who should succeed to my estate. Otherwise I should gain nothing since, as Chancellor, I have precedence over all the nobility of Ireland. I intended to nominate my natural son, Maurice Eustace, of Whitechurch, born at Droitwich in Cheshire. He is to succeed to all my estate, "which if His Majesty be pleased in his great goodness to allow (for the honour cannot be settled on any other in regard the estate is settled on him) his old Chancellor will have the longer to do His Majesty all faithful service, and, when he hath finished his course therein, will go with the more content to his long home." *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 117.

27 April. Dublin. Sir Thomas Clarges to the Same.

I am glad to hear your bill is coming hither. I am only afraid that if the Lord Lieutenant goes a progress at the beginning of June, the Parliament may be again adjourned before your turn is served. This may be avoided, however, if Bills now before the Council in England are sent over. The Lord Lieutenant will grant an order to save the woods; and if that

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succeed you need not move the King. All whom I meet are anxious to promote your interest. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 118.

28 April. [Colonel Richard Talbot] to Secretary Bennet.

I told you that an important discovery had been made to me. Sir Richard Ransford and another of his brethren have made it. I told them the way to get the grant was by your means. They desire you may get the warrant to pass in your name: and I have given them my word that they shall have one half and we the other. "It is a very considerable thing, but it's the Commissioners must make it out so, for it will be in their hands, but no man living must know that any of them are so interested in it, in regard they are to adjudge it for you. The bulk of the thing will amount to £100,000." This is worth you three of Loftus' his estate. I spoke a little of it to my Lord Lieutenant, who seems anxious to favour you. We talked of you generally, and the Duke, who has heard from Mr. O'Neale that the King thinks you have been unkindly treated by his Grace, wonders how this can be thought, and what he can have done to make you think it—for if the King thinks it, you must. [*Details.*] He wants to be on good terms with you and will—as he himself said—do everything to serve you in any reasonable matter. I have always tried to keep you and his Grace on good terms. You must be friends with him, as you are likely to get something worth £5,000 a year here, and all must pass through his hands. He is anxious to serve you, and I pressed upon him the fact that you had given up Loftus' estate and he seemed pleased.

"I do here send you another letter which is considerable, for the Jesuits of this kingdom had mortgages of £7,000 or £8,000, which they do not forfeit by the rebellion, but as they are Jesuits, and here is no law in this kingdom (though there is one there) to forfeit their estates as Jesuits; but in regard the persons who were liable to those mortgages have forfeited their estates, the Jesuits cannot claim their own right because it's in the name of the whole Society of the Jesuits the mortgages go, and therefore not capable of being restored as a community, and yet their interest not forfeited by this Act of Settlement.

"They have made it all over upon me, and desire I may get a grant from the King for the said mortgages." You and I are to have half, about £4,000, and they the other half. "It's good money: therefore pray despatch it." You may put your own name in the grant, or any you think fit. This injures no man but the poor men who are content to give us this in order to get the rest. The King loses nothing to which he had any right, as it is not forfeited, but that they are content to make it so. "I doubt not to give you a good account of those two businesses; at the same time you send them, write to my Lord Lieutenant and I will prepare him for it, that such things are sent you. I will not tell him the particulars until you have them first, lest we beat the bush and some other catch the hare."

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"I find Don Pedro hath been too free in talking there, as if I intended to take a wife. If I had a fortune and did think of one I could not dispose of myself better than where he proposes. Pero, Senor, no estoy yo aun para cassar me, no tengo mucho el cassamiento en la cabeza." [1]

The advantage of which I speak will come out of the concealed lands that shall be in the hands of adventurers and soldiers. This does not look big, but will be of great advantage to you. I will prepare the Lord Lieutenant so that you may send the order directly after you answer his letter. Pray send me the letter for the Jesuits' mortgages by the next post. *Pp.* 6. (*Hol.*). *Endd. S.P. Ireland* 313, 119.

General date, 28 April. DOCUMENTS RELATING TO THE CASE OF ABRAHAM GOWRY GRANGER.

Entry of Petition of Granger to the King, showing that:—

He will discover much land in Ireland falsely allotted to the usurpers' officers and soldiers, and now held by them on fraudulent debentures, fraudulent claims and sinister practices, which are near £100,000 in value. They cannot be discovered but by much industry. He has private entry books and witnesses to make out particulars.

He has assured the Vice-Chamberlain (by getting his books from Ireland) that this proposal can be made good. He will send his books to any person whom the King may nominate. He will propose a method of procedure to the Lord Lieutenant if sent to him in Ireland, and begs for a recommendation to him.

He prays for release from imprisonment.

He prays for indemnity for his witnesses and for security against arrest for himself.

He prays for his costs of sending for his books, for passage money to Ireland and for a lodging in Dublin Castle, that he may have protection against "desperate persons" who may attempt to impede his service.

He offers to present to the Lord Lieutenant within 21 days after arriving a list containing the names of the persons against whom he will proceed, and prays that, his proceedings once instituted, they may not be stopped against any person. This he asks because persons of much power will be involved. If he is ordered to stop in any case, he prays that it be credited to him in the total of his discovery.

He prays for £500 a year in land out of the discovery to be made, and this to be given him as soon as the land discovered by him amounts to £50,000. He also asks that his witnesses may be allowed an estate of £100 a year in land in all, even supposing they be found to be in wrongful possession of such land. *Pp.* 4½. *S.P. Ireland* 312, *pp.* 78-82.

[1] "But, Sir, I am not one to marry myself. I have not got marriage in my head." Mr. Crump of the Public Record Office has kindly translated for me this and one or two other Spanish phrases in Colonel Talbot's letters.

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Entry of the King to the Lord Lieutenant for Granger.

Granger has made proposals which, if accepted, may be for the benefit of us and of our subjects. We have ordered him to be sent in safe custody to you, and when he arrives you shall, when he fully performs his part, satisfy him. *P.* ¾. *Dated in margin* "28." *S.P. Ireland* 312, *p.* 68.

This concludes the documents relating to this case.

[28 April.] Entry of the King to the Lord Lieutenant for Sir Robert Walsh.

Mentions his loyalty and that of his father, Sir James Walsh. Directs that he be restored to such lands as he is entitled to. *P.* ½. *S.P. Ireland* 312, *p.* 69.

[Same.] Same for Thomas Luttrell, of Luttrellstown.

Recommending that Luttrell, whose restoration is directed by a proviso in the Act of Settlement, be speedily restored. *P.* ½. *Ibid.*

29 April. Council Chamber, Dublin. The Lord Lieutenant and Council to Secretary Bennet.

One Henry Porter has been for two years in prison here charged with being the actual executioner of King Charles I. If he be so he should be tried in England; and he is clamouring for a *habeas corpus*. We are anxious for His Majesty's direction in the matter. *P.* ½. *Add. Endd. S.P. Ireland* 313, 120.

30 April. Dublin. Sir George Lane to [Joseph Williamson].

This day I received yours of the 26th and delivered the enclosed from Mr. Secretary to his Grace. I have nothing more to trouble you with. *P.* ½. *(Hol.). Add.* "For yourself." *Endd. Ibid.* 121.

30 April. Whitehall. The King to the Lord Lieutenant for the Marquis of Antrim.

For his subsistence, and for facilitating his restoration to his estate when he is found capable of it, we direct you to consider his petition and to admit him to a *custodium* of so much lands in our dispose as are to be let out this next May and may be conveniently given him. *P.* ½. *S.P. Dom. Signet Office V. pp.* 378-9.

And entry of same. *S.P. Ireland* 312, *p.* 70.

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30 April. Dublin Castle. DECLARATION by the LORD LIEUTENANT.

Petitions, warrants, and other civil businesses coming to this Board and arising in Ulster and Munster shall be in the hands of Thomas Page, and those from Leinster and Connaught shall be in the hands of Munster and Ulster. Sir George Lane, whom we have appointed Secretary for the affairs of the army, shall have the despatch of all such business as is to pass our hands as General thereof. They shall make full entries of all petitions, warrants, &c., which shall pass our signature before they be delivered out of their offices. *P.* ¾. *S.P. Ireland* 309, *p.* 102.

April. DRAFT of the KING to the LORD LIEUTENANT for ROBERT WARD.

On the surrender by Colonel Henry Bishop of the interest which he had from us on the post office of this our kingdom and the rest of our dominions, we granted the office for a certain time to Daniel O'Neille, a Groom of our Bedchamber. We hear that Samuel Bathurst, first employed under the pretended Secretary Thurloe and under Scot, Secretary to "the remainder of the pretended Long Parliament after the deposing of the usurper Richard Cromwell," still manages the post office in Ireland by Colonel Bishop, and pretends that he has a contract which will prevent him from being disturbed for three years to come. Our Attorney-General has perused this contract, and has given an opinion that it is merely a deputation, and ceases with Bishop's surrender. O'Neille further informs us that he has deputed one Robert Ward, known by us to be loyal, to fill the place of Bathurst. You shall see that Bathurst does not molest Ward in his execution of the duties of the office. *Pp.* 1¼. *Endd. Undated, but see the entries of* 29 *April*, 1663, *in Calender of S.P. Domestic for that date. S.P. Ireland* 313, 122.

COPY of PETITION of LUKE, EARL OF FINGALL to the KING, showing that:—

Christopher, late Earl of Fingall, in 1649, raised a regiment for the King's service and at the siege of Dublin (where Sir William Vaughan, and nearly all the regiment, were killed), was himself taken and thrust into prison, where he died. The late Earl was also outlawed for living in the Irish quarters, so that the petitioner, though restored to his estate, cannot make his descent from him. He prays for reversal of the outlawry. *P.* ½. *Endd. Ibid.* 123.[1]

[About April.] SAME showing that:—

A year's rent of the petitioner's estate is to be levied in Ireland, pursuant to a clause in the Act of Explanation. This is so heavy a tax, and the petitioner's condition is so low, that he is in no way able to discharge it. The Lords Justices ordered £100 a month to be paid to petitioner out of his estate till his restoration, and this payment is now in arrears to the extent of £2,100.

(1) Placed with next for convenience.

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The King by his letters of 7 Feb., 1662,[1] ordered the "sudden" payment of this sum to petitioner, and petitioner then received £700 and had already been paid £100. This, however, is all he has received, so that £2,100 is again now due to him.

He prays for payment of the arrears. *Two copies. Pp.* ½ *and pp.* ¾. *Endd. S.P. Ireland* 313, 124 *and* 125.

About April. DRAFT of "an ACT for SETTLING the INHERITANCE of several lands in King's Co. and Queen's Co. in the Province of LEINSTER upon SIR HENRY BENNET and his heirs."

Whereas divers lands in the King's Co. and Queen's Co., lately the "propriety" of Lewis, Viscount Clanmalira, have been forfeited to your Majesty by his treason, and have been distributed and disposed of by the late usurped power to several adventurers and soldiers in satisfaction of adventures or arrears.

And whereas the said Lord Viscount Clanmalira was seized of the premises as of an estate in tail only, vizt. to him and his heirs males, the reversion or remainder being in your heirs or successors, and whereas your Majesty cannot be presumed to have intended by your Declaration of 30 November, 1660, whereby estates obtained by distribution in the time of the late usurper are mentioned to be confirmed to adventurers or soldiers, to part with your said reversion, which was not in any sort displaced by any such distributions of the premises by the said usurper.

And whereas your Majesty by your letters under the Great Seal of Ireland, dated 5 November, 1662, granted your said reversion or remainder to Sir Henry Bennet, &c., for 3,000 years; "by means whereof the said adventurers and soldiers (in case the said lands may happen to be confirmed unto them in the Court of Claims) cannot in justice expect any longer or other estate in the same than such as is forfeited, which is but during the life of the said Lord Clanmalira and his son, or at most during the lives of such issue male as shall remain of Derence [Terence], late Lord Clanmalira, deceased," and not for any longer time.

And whereas it is humbly conceived that [*i.e.* by] many of the said adventurers and soldiers that it may tend much to the satisfaction of all parties concerned that lands of inheritance of equal value, worth and purchase may be settled upon them whereby they may be encouraged to plant on and settle the same to their own advantage and that of their children, and that Sir Henry Bennet may reap the fruit of your Majesty's grace and favour.

Be it therefore enacted, &c.:—

That the Commissioners of Settlement shall forthwith try the claims of the several adventurers and other reprisable persons who are possessed of the premises or any part thereof, and shall give to all of them whom they shall find to be entitled thereto reprisals such as may be equal in value to the lands of which, by the operation of this Act, they are dispossessed; and also lands in

(1) *See Calendar of S.P. Ireland* 1660-1662, *p.* 505.

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compensation for the improvements made upon the lands which they are now losing according to the rules in the Declaration and Instructions. They shall have the lands thus given them in compensation in indefeazable estate in fee simple, although in those in exchange for which they are to be given, they had only the limited interest which is described above.

They shall pay therefor such rents as are payable by the adventurers and soldiers for lands in such province as these reprisal lands may happen to be in, and shall otherwise be liable to the payments and conditions imposed by statute upon the adventurers and soldiers. If land cannot be had for reprising these persons then they are to be in a position as though this Act had never been made.

Immediately after such reprisal has taken place the lands, &c., which lately belonged to Viscount Clanmalira, except those possessed by Francis Lord Aungier, in respect of which a proviso was added to the Act of Settlement shall be vested in Sir Henry Bennet, to be held by him under such yearly rents as are payable and reserved by the said Act of Settlement by adventurers and soldiers, and Sir Henry shall also forthwith receive reprisals for the lands possessed within the Clanmalira estate by Lord Aungier, and so soon as Sir Henry receives such reprisals the lands now possessed by Lord Aungier shall be vested in his lordship.

Be it further, &c., that:—

So soon as the adventurers or soldiers who are being removed get their lands in compensation, your Majesty may grant the estate of Clanmalira by patents to Sir Henry Bennet, his heirs and assigns for ever.

Be it further enacted that it shall and may be lawful for John Baron Kingston, his executors, &c., to sell or otherwise dispose of the interest of himself or Sir Robert King, his late father, in all that late dissolved abbey or priory of St. John and for [or] in any and all the possession thereof and tithes and hereditaments thereto belonging in the co. Kildare, and of and in the rectory of Straboe, Queen's Co., and all the estate of either of them in the rectory of Killian and Kilbreene, co. Kildare and Westmeath, or either of them, whereof either of them were in possession on 13 January, 165$\frac{5}{6}$. Such sale, &c., shall be good against all uses, trusts, &c., specified and declared in and by certain indentures of lease and release dated 14 and 15 January, 165$\frac{5}{6}$, made between Sir Robert King and Lord Kingston (then John King), his son and heir, and William Basill on the one part and Sir William Fenton and Sir Paul Davis on the other part and all persons claiming under it, &c. *Pp.* 9½. *Endd. S.P. Ireland* 313, 126.

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1 May. Sir Thomas Clarges to Secretary Bennet.

Mr. Vernon has now brought your Act hither and at the first meeting of Parliament it will be proceeded with, but from what I have heard from the members of the lower House I think it is likely to meet with severe opposition, as the House consists mainly of adventurers and soldiers, who clamour at anything which

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diminishes their security. The Duke of Albemarle, in spite of his credit here, had great difficulty in getting his bill passed, and Lord Anglesey attempted the like and has failed in it. People seem to be troubled by things that are not, but I do not here explain myself in full as papers may fall, in these times, into the hands of those for whom they are not intended, and I am the worst person to have to make apologies. At present I shall only say that the Irish seem a little vain and boast of their credit with many men whom they are scarcely admitted to visit. This fills a people already discontented with many apprehensions; for those who for some years past had been in possession of land are unwillingly removed, if they got possession first by indirect practices. "And besides the English that have been some time here hate as much that anything should come amongst them as the Croiolans of Mexico and Peru do the natives of Spain that go every year to the Indies." It is very difficult indeed to know how to treat the people here "for they are all full of factions, and most men being of the opinion of those with whom they have most frequent conversation" are thereby deceived in the judgment of affairs; and so you will not know whom to believe.

In the part of your business which was done in Council, Lord Angier, who is "a most sedulous young nobleman," was more serviceable than any to you, and is anxious to serve you. He has many friends in the House. A kind letter to the Speaker would do you good, for though he resents bills of this kind and is somewhat sore at the suppression of his speech in London, he will, I know, be anxious to have your friendship. I think Lord Angier will take a reprisal for the lands which he has next yours and make all you have entire; and now I am naming that Lord, I should ask you to help in reconciling him and his lady. They are at present in some difference. She is allied to you, and your interposition may affect it. I hear she went away without her lord's consent, which was indiscreet. No imputation is cast upon her honour, "but being *femme spirituelle* she is impatient of government." I pray let me know what you hear and give her good counsel. Family divisions are ruinous. *Pp.* 4. (*Hol.*). *S.P. Ireland* 313, 127.

1 May. Whitehall. The KING to the LORD LIEUTENANT for ROBERT and the other children of the late JOHN, VISCOUNT NETTERVILL.

Directing that the time within which they may put in their claim for their estate be extended to any date while the Commission of Settlement is sitting. *P.* ½. *S.P. Dom. Signet Office V. p.* 378. And entry of same. *S.P. Ireland* 312, *p.* 71.

2 May. Whitehall. The SAME to the COMMISSIONERS of SETTLEMENT for RICHARD, ELLEN and EDWARD BUTLER.

Theobald Butler, of Derryloskan [Derryluskan], co. Tipperary, whose claim is depending before you, is dead, and Richard his son and heir, Ellen his widow and Edward his brother, have

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petitioned asking that their claims may be *de novo* considered and proceeded upon. You shall receive and proceed on this claim *de novo*, provided they put in claims before three months from now. *P.* ½. *S.P. Dom. Signet Office V. p.* 379.

2 May. Whitehall. ENTRY of SECRETARY BENNET to the LORD LIEUTENANT.

As I promised I send you the answer to yours of the 8th of April, "which, being read at a private meeting of some of the Council[1] since my last, His Majesty commanded me to produce it at the Board the last Council." This was done and I send you the order as the best way of informing you on this delicate subject. *P.* ½, *followed by the enclosure as follows:—*

Order of the Privy Council.

Present:—The King.
The Duke of York.
Prince Rupert, the Lord Chancellor, the Lord Privy Seal, the Duke of Albemarle and seventeen other members of the Council.

The Lord Lieutenant's letter of 8 April was read. It expressed that the force of an English Act of Parliament as to the obliging of the freeholders of Ireland will unavoidably come in question before the Commissioners, and in the second part that the Commissioners have complained to his Grace that some sheriffs have refused to put their decrees in execution unless by "conjunction" out of the Chancery or Court of Exchequer. Mr. Secretary Bennet was directed to draw up an answer to the following effect:—

The Lord Lieutenant should follow the course suggested by him in order to declining the decision that might be desired of him in relation to the first part of his letter. The Lord Lieutenant is given discretion as to the means by which he will enforce the decrees of the Commissioners of Settlement. *Pp.* 2. Dated Whitehall, 29 April. *In all, pp.* 2½. *S.P. Ireland* 312, *pp.* 71-4.

Same. COPY of SECRETARY BENNET to the LORD LIEUTENANT.

I am very glad to find you deal freely with me, and hope to deserve your confidence. I have, to speak plainly, yet had "but very obscure effects of your kindness," which bystanders—and I think the King—believe me to deserve at your hands. I have not told the King you are unkind to me, but you have not shown yourself to him as the contrary.

You say that, since my advent to office, your representations to the King have not had the same effect as they had in Secretary Nicholas' time. I assure you that except the three great ones concerning the Lords of Orrery and Anglesey and yourself, nothing

(1) A germ of the modern Cabinet?—Ed.

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that you have sent me has remained with me unsigned. I have had your or Sir George Lane's recommendations in all cases but those of my brother and Robin Lye, which they [*i.e.* the recommendations] might well have appeared in if the King had not personally interposed.

As to my stopping a grant to you, on which you say that your fortunes depend, it is not fair to fasten it on me. Nobody could be more kind to you than the King is: but he was kind to you in refusing to give you the grant you desire, "in a conjuncture when not only his great gifts are under a severe censure and inquiry, but that this Parliament in all probability be asked money to support the affairs of that kingdom."

People here murmer to see so many particular claims there accommodated with large grants from the King. Nevertheless, if you choose to press it, I think you will surely get the grant from him, both for yourself and those other lords. Personally, I assure you that I am, and have always been, most anxious to serve you. *Pp.* 3⅓. *Endd. S.P. Ireland* 313, 128.

2 May. Dublin. PATRICK BRIAN to WILLIAM GODOLPHIN.

Lord Loftus of Ely desires that no letters to his disfavour be obtained by his enemy Mr. Barett. Pray expedite his business, which is very just. *P.* ½. *Add.*, to Godolphin at Sir Henry Bennet's lodings in Whitehall. *Endd. Ibid.* 129.

Same. SAME to SIR HENRY BENNET.

I received yours of the 18th, and will do my best to "promove" the bill when it comes. Lord Aungier says he will get a reprise for the lands he holds and leave [those he holds] in your hands. I have delivered to Colonel Talbot (for the Lord Lieutenant) your petition against the waste of timber, houses [?] and woods on the lands which is now going on. I will tell Lord Clanmalira of your noble thoughts of him.

P.S.—I have mentioned Lord Loftus' case to Mr. Godolphin to represent to you, and hope he may have just relief. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 130.

2 May. The KING to the COMMISSIONERS of SETTLEMENT for the DOWAGER LADY DUNBOYNE.

James, Baron Dunboyne, who was specially named for restoration in our Declaration, is since dead, while his claim is depending before you; and Ellen, Baroness Dowager Dunboyne, who is entitled to dower out of the estate, has asked that her claim may be received before you and decided on.

You shall receive and proceed *de novo* on her claim, if she make it within three months. *P.* ½. *S.P. Dom. Signet Office V. pp.* 379-80.

Also note of same. *S.P. Ireland* 312, *p.* 76.

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2 May. The KING to the COMMISSIONERS of SETTLEMENT for the ARCHBISHOP OF ARMAGH.

As a favour to the Archbishop of Armagh we provided in the Act of Settlement that none of his estate should be vested in us. Owing, however, to some niceties of the law, the hearing of his claim has been postponed, by which he has much suffered. You shall hear his claim and shall do him justice speedily. *P.* ½. *S.P. Dom. Signet Office V. p.* 380.

Also note of same. *S.P. Ireland* 312, *p.* 76.

Same. SAME to the LORD LIEUTENANT for the ARCHBISHOP OF ARMAGH.

The revenue of the church will be much changed by our giving of impropriations to it and by the Act for the union and division of parishes. We think it well that, following the steps of your predecessors, especially the Earl of Strafford, you request the Archbishop of Armagh to hold a visitation promptly throughout all Ireland. The tax of ecclesiastical dignities and livings was never perfect in Ireland, but many benefices and dignities were left out of it, and others taxed at ludicrous and inconsiderable sums. He shall make a strict inquiry into the value of every benefice and promotion. He shall consider in what places churches may best be built so that people may meet for worship twice a day, and shall see that no benefice or promotion be omitted in the public tax. He shall make investigation as to the conformity of the clergy, and shall see whether any persons perform clerical functions who are not properly ordained. He shall put into the ecclesiastical tax all such impropriate rectories and tithes as shall be judged to be forfeited and escheated by the Commissioners of Settlement, giving the net value after the Exchequer rents are first deducted. You shall also require him to return with him a book of the new tax compared with the old tax within ten weeks after his visitation shall be ended, and leave it with the Auditor-General or Clerk of the Council. As Judge of the Court of Faculties he shall prevent plurality and the fines of dispensations shall be honestly taxed. He shall have a general power to do what he thinks right at his visitation. *Pp.* 1⅓. *S.P. Dom. Signet Office V. pp.* 380-81.

Also note of same. *S.P. Ireland* 312, *p.* 76.

Same. SAME to SAME regarding the Ordnance.

Our military list shows that we have some inferior officers and artificers belonging to the Ordnance—who are not patentees—in places where they are not wanted; while in others the officers are overworked. Some have too low and others too high pay. A better arrangement may be made by an addition of £53 to the emoluments of these persons. You shall at once proceed to such change in the establishment as you think fit, and order our Auditor-General to include the same in our

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establishment; and the Vice-Treasurer shall make the payments so allowed. The total variation in the sum paid shall not exceed the £53 above mentioned. *P.* ½. *S.P. Dom. Signet Office V. p.* 382.
Also note of same. *S.P. Ireland* 312, *p.* 77.

2 May. The KING to the LORD LIEUTENANT for PATRICK, LORD BIRMINGHAM, Baron of Athenry.

The estate descended to Lord Athenry is too small to enable him to support his dignity, and he belongs to an ancient family. You shall restore him speedily to his estate and shall, out of lands forfeited to us, make such addition to it as you think proper for him. *P.* ½. *S.P. Dom. Signet Office V. pp.* 382-3.
And note of same. *S.P. Ireland* 312, *p.* 76.

Same. SAME to SAME for the EARL OF CORK.

The salary of £30 a year allowed to the Earl of Cork as Lord Treasurer of Ireland is too small for the post. He shall have a salary of 20*s.* a day during his life instead of the £30 a year. He shall have a patent with favourable clauses, and the payment shall be inserted in the Civil List. *P.* ⅔. *S.P. Dom. Signet Office V. p.* 383.
And entry and note of same. *S.P. Ireland* 312, *pp.* 40-41 *and* 77.

Same. SAME to SAME for the EARL OF DROGHEDA.

We hear that 3,000 acres of profitable land in Dundalk which are forfeited by the late rebellion have been given to Robert Reynolds, of the Middle Temple—or are purported to be so given—by the late usurped powers, and are still in the possession of some undertakers so as to be concealed from us. As a sign of favour to Henry, Earl of Drogheda, and to his father, the late Charles, Lord Moore, he shall have so much of the aforesaid lands as are found by you to be enjoyed without any title from us at such services as you think fit. *P.* 1. *S.P. Dom. Signet Office V.* 384.
Also note of same. *S.P. Ireland* 312, *p.* 77.

Same. SAME for PATRICK ARCHER.

Archer affirms that the Attorney-General refuses to pay him the £205 a year which he was granted by us on March 13 last until certain other sums should be paid him, because this sum is not in the establishment. You shall see it paid into the establishment and that debentures be from time to time given for payment thereof. *P.* ½. *S.P. Dom. Signet Office V. p.* 385.
Also note of same. Dated 5 May. *S.P. Ireland* 312, *p.* 77.

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2 May. Whitehall. The KING to the LORD LIEUTENANT for SIR AMOS MEREDITH.

Directing that he be made one of the Commissioners of Appeals concerning the duties of Excise or new impost and added unto Sir James Ware and Sir William Usher, John Povey, Esq., and Peter Wibrants, of Dublin, Alderman. Sir Amos shall have the same salary as they. *P.* ½. *S.P. Dom. Signet Office V. pp.* 385-6.
Also note of same. *S.P. Ireland* 312, *p.* 76.

5 May. Limerick. LORD INCHIQUIN to SECRETARY BENNET.

I find by a letter from my brother to the Bishop of Cork that he was in the Bay of Biscay and in a frigate bound for England. The Portuguese ministers have made him a prisoner and sent him to His Majesty on pretence that I had made some treaty with the Spaniard whereby he was to do some act of treachery to Portugal. The present Portuguese Government have often shown their desire to asperse me, as the King and Queen know. The English there are very badly treated. However, if my brother has done anything which is treasonous to the Court of Portugal, I do not think that this should excuse him.

I have recently had several offers from Spain, which I am sure were made because the Spaniards knew of the ill-usage to which we had been submitted in Portugal; but I have never treated with anyone and have done my utmost to mitigate the ill effect which the discontent of the troops I brought to Portugal might cause to the Portuguese Government. I had reason to fear at one time "that the English might be occasioned by their extreme sufferings to seize on some town and make conditions with the Spaniard." It was chiefly in order to prevent this that I came to England to try and induce the King to remove his troops to his own "or some other Prince's obedience, in case he could not comply with the desire of the King of Portugal in contributing to their maintenance in his service."

Having failed to gain either of these points I asked the King often to give them leave to shift for themselves and to pass through the King of Spain's lines to some other service. This would have been to the King of Portugal's advantage, but, though I recommended it, I never recommended any treachery; and no ill-treatment could justify my brother in permitting it.

I know the English will escape from the King of Portugal's service as soon as they can; and the only way to stop them is to give them competent means there, which the King of Portugal will never do.

If you think the King or Queen have still any idea that I behaved badly I will come to England at once to clear away that suspicion. I could never let the Queen think I had displeased her. *Pp.* 1¾. *Endd. S.P. Ireland* 313, 131.

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6 May. COLONEL EDWARD VERNON to SECRETARY BENNET.

I have delivered all your commands, and the Duke [of Ormond] was so mindful of your concerns that the first thing he asked was 'whether I had brought over Henry Bennet's bill, and where it was.' The next time the Council sit I presume it will have its despatch from that place, and I hope we shall speedily tumble it up to the Lords. I find my friends tractable and shall do my best before the 25th when Parliament meet. "I am almost convinced (though I met with some arguments to the contrary upon my journey) that Ludlow was not in this country or in any of these three kingdoms, but I hope he will be. My absence from this place hath caused my Lord's most prudent diffidence of his intelligencer [?] and persuaded [?] him to nipe the last little design in the bud. There is now one in blooming which (if it taike) he will be shewer to gather it when it is full rippe," which will be in a short time. I do not think there can be any villainous design in any of the three nations, but he will have timely notice of it. "There hath been one Charnoke (that was chaplain to Harry Cromwell, in this country. He was most pryvate, not stirring out of his lodging; but on his coming and departure its good to have an eye upon him, but by a very curious[1] hand, lest he, finding himself suspected, may cause a jeleasy upon our intelligence." He told the villains [the Government spies?] that they were so hampered in England they could not stir "till the eyce was broken here or in Scotland" (which, as it is said, is very forward) and he assured them of £20,000 ready in bank. He proposed Harry Cromwell as to be their General, who was generally rejected. The Scotch desiners [designers or desirers] seem to lean towards a Commonwealth and did not positively refuse Ludlow for their designed captain. This appearance of Charnock's puts me in mind of Mr. Hambden being at Uxbridge the day before I passed through the town. He came in haste from London, met one Baldene [*sic*] that was gentleman porter to Oliver in the Tower, stayed about an hour with him, and returned that night to London.

"The next day his lady came (in my company) to the same place, defying the waters that were very unruly, asked for the same Balden [*sic*] and went home to her house. It may be private concerns, for Balden, though he be a profound dunce, yet he was secretary to his father and Essex; but it's not amiss to look towards these rich discontents, being there is so much money stirring, and my Staffordshire intelligencer assured me they had notice from London that God had raised them up considerable friends beyond their expectation, but at that time the Lord's harvest was not rippe." I could say more, but it is unwise to do so without a cypher. There are some postmasters on the road who are subtle fellows, and have actually served as intelligencers and officers to the rebels.

Tell the news I send you from Ireland to none but my master. I do not desire my services to be known, but merely to serve the King. *Pp.* 3. (*Hol.*). *Badly spelt. Endd.:* "Mr. Vernon." *S.P. Ireland* 313, 132.

[1] An unusual use of the word—meaning "careful."

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6 May. Dublin. SIR GEORGE LANE to SECRETARY BENNET.

Your bill has come; speedy steps will be taken, when Parliament meets on the 25th, to make it into law. Your friends here will do their best for you.

The Lord Lieutenant hopes to be able to send by the next conveyance a list of the officers of the Irish army with their qualifications.

You will herewith receive blank commissions for five colonels, five lieutenant colonels, five majors and twenty-five captains of foot and for one colonel, one major, and four captains of horse of the militia of Somerset. These have been sent as necessary for the settlement of that militia and security of that county. The Lord Lieutenant hopes that the King will approve his nominations. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 133.

Same. LORD AUNGIER to the SAME.

I am proud of your notice of my efforts to help you and shall try to serve you always. I may say that lately when I was in the King's County and riding through Clanmalira, I found great havock made of the woods and the Adventurers and soldiers intending to commit more this summer. I told this to the Lord Lieutenant and find he is very sensible of the prejudice you will suffer if some check be not given to the Adventurers, &c. I resorted to Mr. Bryan, your counsel, who has drawn a petition to that purpose and sent it to Sir George Lane, who promises despatch. As soon as the order is signed I shall employ some of my own to stop any timber that may come to any pass upon the Barrow; and I feel sure this will discourage the Adventurers. How great the advantage will be you will judge "when the woods lie for several miles together along the Barrow which is navigable to Ross and Wexford where the chief herring fishing in this kingdom is, and where is the best vent for pipe and barrell staves (great quantities whereof may be made in the woods of Clanmalira.)" I have employed a person of intelligence to survey the estate and tell you what may be made of it; especially as I know there are several here who wish to be your tenants for it and to make a good deal thereby. The bill is now here and, I hope, will pass.

It would be a good thing if you ingratiated yourself with Sir Audley Mervin, the Speaker of the House of Commons, "whose humor it is to love courtship especially from men in your place; and I am sure three kind words from you will make him watch the most seasonable opportunities of offering the bill to the House, wherein lies no small art, especially in so populous and factious an assembly." Lord Kingston is thankful to you for admitting his proviso in the bill and will do his best for you. He has considerable influence in the House of Commons. *Pp.* 2½. *Endd. Ibid.* 134.

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6 May. Dublin. COLONEL TALBOT to SECRETARY BENNET.

Your bill cannot go to the House of Commons till it meets on the 25th. The great obstacle is the finding out reprisals for those in possession; and I am engaged on this work now, by means of concealed lands. Mr. Churchill and I think you should get the King to write a letter in his own hand to Sir Richard "Ransford" directing him to find reprisals for those on the lands which you are to have. This letter should be drawn as a friendly request as well as a direction.

I send you two letters for the King to sign, both of which will advantage you greatly. You should submit the one about the Jesuits first. I will prepare the Lord Lieutenant for them. I send you some notes of a discourse had with the Lord Lieutenant about yourself. You will see that a good correspondency with you is much desired. I hope you will agree to this. What you write to me of that *you must know that they will seek to see my letter.*[1]

For what Sir P. R. sent me, it is one of the most considerable things in the country; so be not careless of it. I shall stay here till my concerns and yours are safe. I shall return when all is done, and you may then do with me what you think best. Pray send me my letter for being reprized which I sent for myself and Sir Allen Broderick. *Pp.* 2½. *Endd.* *S.P. Ireland* 313, 135.

8 May. Council Chamber, Dublin. The LORD LIEUTENANT and COUNCIL to the SAME.

We transmit you herewith several Acts, viz.:—Acts

(1) For ordering the sale and use of gunpowder in this Kingdom.

(2) For punishing several officers in the King's Court of Castle Chamber.

(3) For confirmation of marriages.

(4) For disappropriating the several rectories of Norraghmore and Carnallway [Carnalway], Carrogh [Carragh], Downings, Swordwallstown [Swordlestown] co. Kildare, and those of Rathmore and Stroghboe [Straboe], in the co. Carlow, and of Moyacon [Moyacomb], co. Carlow or co. Wicklow, and for making these rectories "presentavie" for ever, with clauses for union.

(5) For building a bridge over the River of Bray between Dublin and Wicklow.

(6) For freeing the "Vice-Chancellor, Provost Fellows, and Scholars of the University and College of the Holy and Undivided Trinity, near Dublin, from payment of Excise for ale and beer spent in the said College."

(7) For building a bridge over the Liffey at Ballymore-Eustace, co. Dublin.

(8) For building a bridge over the Blackwater at Cappoquin, co. Waterford.

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[1] The italicised words are in Spanish, and have been translated for me by Mr. A. J. Butler.

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(9) For building a bridge of the River Erne between the cos. Fermanagh and Donegal.

(10) For securing several lands upon Elizabeth Tyrrell and her heirs.

(11) An explanation [*sic*] of two several statutes made in a session of this present Parliament, one entitled an Act for settling the subsidy of tonnage and poundage and granting a subsidy, &c., to the King; and the other entitled an act for the settling of the Excise or new impost upon the King, his heirs and successors, according to the Book of Rates therein inserted.

We desire you to lay the letter before the King and inform us promptly of his pleasure herein. *P.* 1. *Signed by* Lord Lieutenant, the Lord Chancellor, the Earls of Orrery and Anglesey and six other Privy Councillors. *Add. Endd. S.P. Ireland* 313, 136.

8 May. Dublin

The Lord Lieutenant to the King.

I delayed my answer to your Majesty's letters of 14 April till I could send with it a list of your army such as I promised. I found that harder than I had expected; and the list I now send may not be accurate. You will see what changes there are in it since it was called yours; but I am not going to let it be always so. As occasion offers "I am very vigilant to lay hold of it to lessen the number of those that are not to be alsolutely relied on in all events. It is true I held it not prudent or very just to declare it should be a rule that whoever had at any time served in the armies of the rebels should not be admitted into yours." Several officers who so served hold commands of men and places, and such a rule would have caused almost all the English in the Kingdom to think themselves involved in it. Many of your own, too, were forced by the persecution that followed them in England to shelter themselves here "and, as they were able to make friends, to get into the army, some as inferior officers and some as private soldiers, and perhaps this course was connived at by those in Government, believing it safer for them to admit them here than suffer them to be in England." I think these people were loyal and assisted to prepare the country for your restitution, however they were for a time compelled to disguise their feelings. There are also some officers who never served against you in England or Scotland, and even fought for you in England. Some of these "when the cessation and afterwards the Peace was made with the Irish rebels (their interest and detestation of the Irish assisting the mistake) thought they might with loyalty and a good conscience oppose your Majesty's authority in that agreement, the management of that war and the confiscations that should happen by the Rebellion having been (as they desired to understand it) put into the two houses of Parliament irrevocably by his late Majesty. Of these divers, abhuring the proceedings against the King in '48, came then again under His Majesty's authority, and endeavoured very faithfully to vindicate it, in conjunction with the Irish, till through the foolish violence and

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notorious disloyalty of the prevailing part of the clergy of that nation the people were divided, payments obstructed, designs disappointed and, at length, the uttermost misfortunes brought upon us." Many of them now, in despair, even turned to Cromwell and surrendered places to him in order to secure his favour. They have in many cases made up for their past misdeeds during the recent alterations, but I have admitted none who are under suspicion of having betrayed any person or post, and those who remain shall daily decrease as I find the estates to which they have pretences secured to them. They may then give way to those who are more loyal, and, having a fixed estate, will be likely to keep the peace. I shall do my best for the army, but shall be better able to make it efficient if I receive the supply for which I have asked. It is dangerous to disband men without paying their arrears, but if we could pay off some part of the army and pay the remainder constantly, a certain proportion of the present common men might be spared. So long as the companies and officers exist we could always recruit again if it were desired.

I have found out no more about the late plot. There certainly was one, and if I had decided, as one of my spies suggested, to let it come to a head, I might have made grave discoveries. But Parliament was sitting at the time in very ill-humour and there were many dangerous people in Dublin, and I did not care to let the game go on so far. As soon as Sir Paul Davies is well depositions will be sent. *Pp.* 5. (*Hol.*). *Add. in* Sir George Lane's *hand*: "For your Majesty." *Endd. S.P. Ireland* 313, 187.

9 May. Dublin. COLONEL VERNON to JOSEPH WILLIAMSON.

"Dear Friend."

On my arrival here I find the Lord Duke wholly to wait [? *i.e.* postpone] all meddling with the admission and liberty to put in new claims or to inhibit them, being the letter of the law is that "only such as HisMajesty under his hand and seal shall permit being thus and thus qualified" [shall put them in] so that the general order that Secretary Morris obtained for all qualifications expressed in it is set aside. Its said they have procured others directed to the Commissioners, to encounter which I must beg this favour of Mr. Secretary and yourself to obtain His Majesty's hand to the enclosed warrant and direct it to the Commissioners, for they tell me that if any other come to them from the King, they cannot take notice of that I had, which was directed to the Lord Lieutenant. I have desired honest Mr. Wolfe to wait upon you in it. Pray speed it. I tell you no news as I have written it at length to Mr. Secretary and know your nearness to him. *Pp.* 1⅛. (*Hol.*). *Add. Endd. Ibid.* 138.

Same. LORD CASTLEHAVEN and AUDLEY to the SAME.

I have received yours with the enclosure from the King to the Lord Lieutenant. I thank you for your dispatch. I am anxious to prove myself your friend. *P.* ½. (*Hol.*). *A polite letter. Add. Endd. Ibid.* 139.

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9 May. LORD CHANCELLOR EUSTACE to SECRETARY BENNET.

I send you the enclosed, which is written by a person of sense. I can testify to the facts for "I was an eye witness of all that was done in that business which was carried with a higher hand—against so great a Minister of State as his most deserving father, my predecessor in the place I now enjoy—than you can imagine, being a stranger to those transactions."

Justice in this case cannot be denied *ex debito justitiæ*. I know you will help to get justice done. Very seldom is any Parliament which is the fountain of justice prohibited to hear any complaint of any party grieved or, when appealed to, to do justice. As the difference has now reached the highest tribunal of justice in the land, *Fiat justitia, ruat coelum*. Let it never be said that in your time public justice was obstructed, when you could prevent such obstruction. We must prevent such a scandal to the King whose throne has ever been supported "by those two never failing pillars" righteousness and justice. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 140.

9 May. Dublin. The LORD LIEUTENANT to the SAME.

The King will this post receive the longest letter I have presumed to write to him since I kissed his hand last. It concerns the composure of the army here, and what may be done with it if I am provided with what I have proposed for, the delay whereof may bring about dangerous consequences. "I daily find new and pregnant reasons to apprehend that very mischievous designs are in contrivement in this Kingdom against His Majesty and his authority."

I find by the King's letter of 11 November last, undersigned by you, "which I received not till the 27th of the last month," that he inclines to dispense Lord Grandison from attending his charge here if I find it not very prejudicial to his service. You must remind His Majesty that my instructions forbid me to grant leave of absence to any officer of his army but for a limited time. If the leave which I cannot give is given by the King, it will draw upon him many applications for similar leave, which cannot consistently be refused. However, knowing the King's pleasure, I will so order that Lord Grandison have the benefit of it without making a bad precedent, if his Lordship will take care that someone for him take out fresh licences of absence before the old be expired. *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 141.

Same. Dublin Castle. SAME to SAME.

I have yours of April 2 and the order in Council to which you refer in the matter of the application of English statutes to Ireland and the refusal of some Sheriffs to execute the decrees of the Commissioners. I shall, so far as I can, pursue the directions of that order.

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I desire the King's direction in the matter of two bills which were presented to me at the Council Board by a Committee of the House of Commons and of which I informed you on April 25. One was to assimilate the Irish laws against Recusants to those in England and the other to declare who should be required to take the oath of supremacy here and under what penalties. *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 313, 142.

9 May. Dublin Castle. SIR GEORGE LANE to [SECRETARY BENNET].

I have to acknowledge yours of the 2nd and to say I am ready to obey your commands in the case of Mr. Lye. I will mention the matter to his Grace, and let you hear further.

I shall by the next send other drafts of the letters concerning Mr. Richard Jones, Mr. Purcell and "Mr. Doctor Sterne," which are wanting, and must always acknowledge the great favour of the despatch you so kindly give to all the Lord Lieutenant's matters, who will surely express his "resentment" of it to you. We have no news at the moment. *P.* 1. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 143.

9 May. LORD KINGSTON to [the SAME].

I am truly grateful for your letter by Sir George Lane's hand and my proviso by Colonel Vernon's. I wish I could send more than verbal thanks and hope that an occasion of serving you in this country may arise in order to enable me to prove my gratitude.

In March last I acquainted you that my Lord Lieutenant had commanded the draughts of two letters to be given him in order to the satisfaction of the rents of English arrears, lands, &c. This I did on 6 February, as I take it that his Grace designed the transmitting them to you; but what is since done I know not. About that time I also gave you notice about the value of Lord Glanmalieragh's estate "that you might be fully informed of the worth of it ere you disposed it for [a] long term of years or otherwise finally, it being very incident to my countrymen to magnify His Majesty's favours to be given from this Kingdom and vilify them when obtained." I likewise enclosed a short petition of one Roberts, craving an order of reference to his Grace now, as formerly His Majesty had done by Mr. Secretary Nicholas to the Lords Justices. That reference, by the late date of it, is useless. I fear that letter did not reach you.

We have little news here; our country is so dependent on England that your feelings there will tell you what ours are here. "Our dependence is so knit to that body that nothing but some rapid wind in our own fanatic heads, or strange infusion from foreign princes upon account of religion can divide us." I doubt not but that we are free from the last of these evils; and the industry of the Lord Lieutenant, which is greater than I thought

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compatible with his genius, will save us from the first, "though the great change of property in lands made by the Commissioners raise our jealousies sometimes to a very high pitch, and I am persuaded they will yet mount higher when the people come to see that practised which they scarce believingly apprehend at distance, I mean the translation of the greatest part of the kingdom from the hands of those who of late years possessed it to theirs who were the ancient proprietors of it, especially considering that very few of the Irish, if any, there are who, being restored, admit an English man to reside as tenant on their lands. But my Lord Lieutenant hath so well foreseen what may be the effect of this change that the army hath been and is daily purged from any person of whom the least suspicion can be raised, of which model his Grace will suddenly (if it be not already done) send his Majesty the Roll." The Lord Lieutenant is also very frugal with the King's revenue, and prodigal of his own. You should write to the Speaker of the House of Commons asking him to hasten your "bills" before the House. He could not prevent the passing of "it," but might delay it—though I do not think he would. Yet compliments of that kind are useful. Forgive this long letter. *Pp.* 2. (*Hol.*). *Endd. S.P. Ireland* 313, 144.

9 May. Dublin. LORD CASTLEHAVEN and AUDLEY to the KING.

I thank your Majesty for your letter to the Lord Lieutenant, who is so much my friend that I doubt not of its effect. We hear to-day that you have in your disposal the sending of one to Portugal to command your troops there, and believe it the more readily as Lord Inchiquin says that he will settle here and go there no more. On this supposition the Lord Lieutenant is writing to your Majesty on my behalf. I have little to add, but to offer myself, "and my opinion that the House of Commons here would, if properly managed, be glad to transport at their own charge from hence into Portugal 3,000 or 4,000 men who must either starve or be troublesome to the peace of this kingdom." This [bearer?] and others who have served with me in the wars come daily to me and offer to follow my fortunes. I can speak Spanish though I have never served the Spaniard. *Pp.* 1½. *Signed. Endd. Ibid.* 145.

Same. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

"My dear Secretary."[1]

I should have written sooner, as I have been here a week and in a "little bussell." No news here, and I find affairs much more quiet than I had expected. The army has been made secure by the weeding out of an occasional officer. It will shortly assume, I am sure, the proper size and condition.

(1) I have not hitherto observed this modern mode of address in these letters, but it becomes common about this time.

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"Monday my Lord Duke goes 20 miles off to a horse race which is run upon Tuesday, where I am deepe in. The horse was my own and so I hope will £100 be in gold. We have here quite and [*sic*] cheerful company; ill wine and not bad women. If you distrust, come and see." Bring Mr. Godolphin and Povey, and I will do all I can for you.

P.S. [*on back*].—I had almost forgot to tell you that, to encourage Mr. Ogelby and his comedians. I am this very day giving a play to the King's whole company. The Prologue and Epilogue shall come to you by the next. Adieu. *Pp.* 2. *Add. Endd. S.P. Ireland* 313, 146.

11 May. **Whitehall.** The KING to the LORD LIEUTENANT.

Directing that the Commissions given to Sir Edward Deering and others for executing the Act of settlement be revoked and that a fresh one be granted empowering the same Commissioners to act with Sir Allen Broderick in place of Henry Coventry. The King can no longer spare Coventry from his duty as Groom of the Bedchamber. The *quorum* of the new body is to consist of (*a*) Deering, Broderick, Cooke, or Churchill, (*b*) Rainsford, Beverley, or Smith, and (*c*) one other. *Pp.* 3. *S.P. Ireland* 312, *pp.* 82-5.

13 May. **Dublin.** The LORD LIEUTENANT to SECRETARY BENNET.

I am glad we have been frank with one another, and to see by your letter of the 2nd of May that we are still friends. I am so wanting in activity and invention that I always ask my friends to help me when they would have me serve them. You stand so well with the King that no word from me was needed to recommend you —which was not my fault, but your happiness. This being so, "I would be glad to know by what argument you are lead . . . . to tell the King I was not kind to you, which whether you acknowledge or deny to have done is not clear to me by your letter; nor do I believe impartial slanders by [*sic*] or the King can have made any such observation without you have given them insinuations towards it. Since you say you remember no letters in your hands unreturned, recommended by me, but those three you mention in favour of my Lords Orrery, Anglesey and myself, I am satisfied that those which remained in your hands when I complained to you of it, were not stopped upon the ground I suspected; and there will be less difficulty to persuade me that it will not be easy for any man, without the concurrence of some great fault of my own, to withdraw from me any part of that favour His Majesty hath made me happy in, which I hope I have given no good man cause to wish, much less to endeavour, should be lessened. And if I might have been trusted with the good that was intended me in the suspension of my own letter it is like it would have freed you from the trouble of an expostulation in that particular; which, how friendly soever it was meant by me, was in no degree delightful to me to enter into; and when you shall call to mind that I only

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said I suspected the sticking of that letter proceeded from your misapprehension of my want of kindness to you, and that I should with much joy receive any evidence that might convince me I was mistaken, I must then hope you may think you have passed somewhat a hasty and peromtory [*sic*] judgment upon my proceeding with you, in saying it is not fairly fastened upon you; for I know not what can be fairer or more allowable betwixt friends than the early and free declaration to each other of any doubts that may arise in them capable of interrupting a mutual confidence."

As for the letter itself, I send you herewith copies of former letters and warrants, and a certificate from my Lord of Anglesey by which it will appear how little there is of a new grant in the letter in question. It will show that I need not have "put myself to an aftergame," if I had not more considered the King's honour and profit and the necessities of others than my own payment, of which I had warrant sufficient to be my own judge and carver. And it will appear to the severest censurers and inquisitors that what I now desire is but an expedient and profitable one for the King—for payment of a debt incurred for the crown. I give up a charge upon a present and certain fund, and take one upon a remote and contingent one. I see no reason why the King should further suspend the letter.

I hope Lord Orrery's letter will be sent. I have already said enough to show that it is a good bargain for the King and will not here repeat myself. Lord Orrery's loyalty does not depend on the mere receiving of favour; but if he is disappointed in this matter it may affect the views of other men. Lord Anglesey's is a pure bounty; and you will see that I have treated it as such in my letters. It is in the King's discretion. In conclusion I am your sincere friend. *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 313, 147.

18 May. Dublin. SIR GEORGE LANE to WILLIAM GODOLPHIN, Secretary to SECRETARY BENNET.

I am infinitely obliged to you for the account of those three letters which I told Mr. Secretary were missing. I now send you copies of them and one more concerning Lord Courcy which was sent about the same time. *Other details. P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 148.

18 May. SIR ALLEN BRODERICK to [SECRETARY BENNET].

Polite and flattering. Apologises for a mistake in his letter of 25th last. *P.* ½. (*Hol.*). *Endd. Ibid.* 149.

13 May. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I am obliged for your advice and hope that, by your help, I may enjoy the King's favour. Your bill [for Lord Clanmalier's estate] being now lodged, our great task is to find friends for it, and to prevent

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the woods being cut down by your enemies. This is being daily done, but the Lord Lieutenant has promised us an injunction to stop it. We have also to find reprisals, and it will take many of these to make good that estate. I have done something, but we are on the whole matter much hindered by the want of the seventh man to turn the scale. Sir Allen Broderick is the man generally desired, for his courage and integrity. He must be bold as well as honest, "for we are daily pushed at." I wish it may be in my Lord Lieutenant's power to protect us. I suppose a month will satisfy you of the danger we are in all over the kingdom. *P.* 1. (*Hol.*). *The last two sentences partly in cipher with decipher overwritten. Endd. S.P. Ireland* 313, 150.

13 May. COLONEL VERNON to SECRETARY BENNET.

I had, on Sunday last, a long discourse with the Lord Lieutenant in your letter to him. He feels sure somebody has come between yourself and him, is most anxious to be on good terms with you, and only complains that you do not speak your mind out to him. He certainly thinks that your brother is not to expect a troop of horse in this country, as there are many old soldiers here with claims or reversions. You had better not press that any more, but he is ready to favour you on any reasonable matter. I know he will help on the Clanmallyroe affair. Let me bustle that out my own way.

I have spoke to the Lord Lieutenant and Sir George about Robin Lee, but it is disposed of already, being in the Lord Lieutenant's gift and not in the King's.

Other details.

You may send me the letter regarding the Jesuits, for I believe that will meet with "no rubbs."

I shall not stay here longer than is necessary to complete this business. This will I hope be in August, when I shall bring to trial all the adventurers and soldiers on the estate. It cannot be done before that date because the innocents are to be tried to the first of that month and no longer. "Pray put an end to those little jealousies between yourself and his Grace and write clearly to him. Mucho tengo yo de dessire [deçir] a usted sovre esas, pero no me attreve de escrivire usted. Garde Dios syempre la persona de usted."[1] *Pp.* 2½. (*Hol.*). *Endd. Ibid.* 151.

13 May. Council Chamber, Dublin. SIR GEORGE LANE to SECRETARY WILLIAMSON.

I have shown yours of the 5th to the Duke of Ormond and am grateful to you for keeping us informed of affairs in England. The Duke is grateful to you also for doing so.

P.S.—Yours of the 16th came to hand while this is waiting. *P.* 1. *Overwritten with—*

A note recommending a certain enclosed piece of poetry [missing]. (*Hol.*). *Add. Endd. Ibid.* 152.

[1] I desire greatly to write to you upon those matters, but do not dare to. God keep you always.

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14 May. Whitehall. ENTRY of PETITION.

Marquis of Antrim. Desires a warrant to the Commissioners of Claims in Ireland for allowing him to amend his claim.

Deferred till the Lord Chancellor of England, the Duke of Albemarle, the Earls of Northumberland and St. Albans and Lord Holles report as to whether the Marquis deserves the King's favour according to his recent reference to them concerning the Marquis' conduct in the late times of defection. [*See above at* 24 Feb., 166⅔.] *P.* 1. *S.P. Dom. Entry Book XIII. p.* 282.

14 May.

NOTE by THOMAS EDWARDS.

He has to-day received from Mr. Williamson thirty letters to be sent by the King's messengers to the following:—

Earls:—

Desmond.	Waterford.
Carbery.	Castlemaine.
Downe.	

The Earl of Rochester and Viscount Wilmot.

Viscounts:—

Beaumont of Swords.	Kilmurry.
Castletown.	Chaworth of Armagh.
Savill.	Scudamore of Sligo.
Lumley.	Strongford [Strangford].
Wenman of Tuam.	Molyneux of Maryborough.
Fairfax of Emly.	Rathcoole.
Bareford.	Bulkly of Cashel.
Ogle of Catherlagh.	Brunckard of Lyons.
Cullen.	Dromore.
Chulmely.	

Barons:—

Lord Mountjoy (Earl of Newport).	Maynard.
Gorges of Dundalk.	Fitzwilliam of Lifford.
Brereton of Leighlin.	Coleraine.
Sherrard of Leitrim.	Hawly of Duncannon.
	Allington of Killrad.

P. 1. *Endd.* "A list of the letters enclosed in this bundell to the noblemen of Ireland residing in England for their subsidies." *S.P. Ireland* 313, 152.

15 May. Council Chamber, Dublin. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

It often happens that when the occasions of aliens come before us we should have recourse to the public treaties of peace between the King and other Kings, Princes and States; in order that we may know our duties under such treaties. Please send over five or six copies of such treaties. *P.* ½. *Signed by* the Lord Lieutenant and twelve Councillors. *Add. Endd. Ibid.* 153.

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Council Chamber, Dublin

The Lord Lieutenant and Council to Secretary Bennet.

A Committee of the House of Commons lately presented to me the Lieutenant a writing containing the desires of the Commons' House to have a bill transmitted from this Board to His Majesty in order to passing a law here that all magistrates, dignitaries and officers ecclesiastical and civil, graduates in Universities, professors of the law and members of the House of Commons should take the oath of supremacy, much according to the Act of 5 Elizabeth in England.

We called to mind that in February, 166$\frac{0}{1}$, the Lords Justices and this Council transmitted to the King under the Great Seal of this Kingdom, as the laws here do require, several bills, and amongst others one entitled "An Act declaring what persons shall take the oath of Supremacy"; and also that they sent letters giving reasons why the Act should be passed. We recall these facts to the King and send a copy of the former letters. We should like advice from the King as to how we are to proceed in this matter. *P.* 1. *Signed by* the Lord Lieutenant and nine Privy Councillors. *Add. Endd. S.P. Ireland* 313, 154.

16 May. The King to the Lord Lieutenant for Lord Strabane.

By our Declaration we reserved the right to restore innocent Papists in the Councils and Corporations of Ireland. George [Hamilton], Baron of Strabane, is one of those persons and specially merits our favour and will certainly be restored by the Court of Claims in Ireland. He shall be restored to all the lands which he or his brother, James, Lord Strabane, possessed in October, 1641. *P.* ½. *S.P. Dom. Signet Office V. p.* 386-7.

16 May. Dublin. Sir Nicholas Armorer to Joseph Williamson.

I have to thank "the" for two letters I have received of "yours." This place is so barren of anything to return you that I can tell you of nothing but of the young lords' and my own worship's return from four horse races. "My Colonel, Arran, lost the great match which was run for £200 to the Lord Dungannon, Lord John lost the second to Lord Candishe [Cavendish] for £100. I was against my Colonel and his brother, which I hope I shall never be but at a horse race though you know full well we northern men know no commander, nor own no frindes [*sic*], but which they take to be the strongest side." *Other details. Pp.* 1½. (*Hol.*). *Add. to* Williamson at Mr. Secretary Bennet's lodgings in Whitehall, London. *Endd. S.P. Ireland* 313, 155.

Same. The Lord Lieutenant to the King.

I have now your Majesty's pleasure concerning the bills against recusants and shall take care that they be stopped, and give myself the displeasure of those that shall be unsatisfied with it, rather than

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that your Majesty should undergo the inconvenience of questions at the Council in England. My Lord Chancellor has furnished me with convincing arguments against them, but they are not all fitted for the temper of the men that must be proceeded with.

"The design I mentioned to your Majesty in my last ripens very fast and is very far spread, yet my greatest care is not to let the conspirators find they are discovered lest they should desist, and I want evidence and matter sufficient to make examples of some of them, than which nothing would more contribute to the future settlement and peace of this kingdom." I do not doubt but that, knowing what I do of their actions and intentions, I shall be able to resist and apprehend them "in the very act of their attempting this castle if they proceed so far, upon the success whereof depends the appearing of their party in other parts of the kingdom, and they have engaged so many that they hold it impossible, but the plot will be discovered, and therefore they think it better to be destroyed for the attempt, which they suppose may succeed than for the designing of it, which they conceive cannot be concealed. This is their present disposition, and their prefixt day to attempt the taking of the castle is the 22nd of this month. If there happen any change in their purpose I think I shall have punctual notice of it.

Their correspondents in England and Scotland (for such they brag of) advertise them that there they are so strictly watched that it is impossible for them to begin, but that if those here will begin they shall be sure to be seconded in both the other Kingdoms. It is not without much dispute in my own thoughts that I am come to a resolution to abide the attempt rather than to discover my knowledge of the design. That which hath prevailed upon me against the reasons which might induce a more early disappointment of the design are principally that I have and shall have very good and hourly information of their transactions, and that it is doubtful whether the intention and contrivement of what they are about without some overt act will by our law be capitally penal. If not, then would these bold machinations go unpunished, and consequently your Government would never be free from them."

I would not have acted upon my own responsibility in this matter, but that I cannot, in all probability, have your directions. As it is "I govern myself by the best reason I have, the rather that I am to answer the misguiding of that at the price of my life. God preserve your Majesty's person and Government from this wicked generation." *Pp.* 2½. *Unsigned, but in* Ormond's *hand. Endd. S.P. Ireland* 313, 156.

16 May. Dublin. Copy of the Lord Lieutenant to the King.

The Lady Clanbrazill is prevailed with to send her son the young Earl to be bred at Oxford "under the care and tuition of Dr. Fell, where he will be instructed in better principles than the place he now lives in usually affords." His father was loyal and served the

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Royal cause well in 1648, and so long afterwards as was possible. He lost so much by loyalty that it will be long before it can be made good, in spite of the care and industry of the mother.

I shall remind your Majesty of this young man's services when occasion serves, so that your Majesty may see that the education of a young man who will have great influence in this country may be such as to ensure that that influence shall be employed for your service. *P.* ½. *Endd. S.P. Ireland* 313, 157.

16 May. Dublin Castle. Sir George Lane to [Secretary Bennet].

I am to send you the enclosed list, signed by my Lord, of draft letters, also the letter to Mr. Speake for the recalling of his Commission.

The Parliament is now drawing near and it might be well that I had a list of such of the members of it as have undertaken to promote the bill, that if they fail therein you may have notice of it from me. *P.* 1. (*Hol.*). *Add.*: "For yourself." *Endd. Ibid.* 158. *Enclosing—*

Same. *The Lord Lieutenant to George Speake in Somerset.*

I hear that the King is dissatisfied with your proceedings in the County of Somerset. I am therefore in His Majesty's name and by his command to require you not to proceed any further in the execution of the deputation given you by me, but that you forthwith acquiesce and send up the commission you had for that purpose immediately to Secretary Bennet. *P.* ½. *Signed. Add. Ibid.* 158, 1.

Also copy of same. *P.* ½. *Ibid.* 158, 2.

Same. *List of the letters sent to Secretary Bennet for the King's signature,* 16 *May,* 1663.

1. *Letter to the Lord Lieutenant concerning the Parliament.*

2. *To the same, to purchase lands for His Majesty's use as he shall think fit about the Phœnix, the purchase money not exceeding* £10,000, *and to make a wall about the Park.*

3. *Dr. Currer to have the allowance of* 10*s. a day from* 3 *July,* 1660, *as physician to the army, to be inserted in the establishment.*

4. *Letter for Lady Tint to be satisfied for a debt of* £5,011 *furnished for provisions, with the first in proportion with others in the same condition.* *P.* ½. *Underwritten with note, dated* 16 *May, in the Duke of Ormond's hand.—These letters I desire may be presented to the King and transmitted. Endd. Ibid.* 158, 3.

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18 May. LORD CHANCELLOR EUSTACE to SECRETARY BENNET.

I moved my Lord Lieutenant yesterday on behalf of my cousin, Francis Lee, lately married to a niece of mine to have the benefit of his Majesty's letter procured by you for him to have the office of Escheator in the province of Leinster; to which his Grace answered that the place became void before the date of His Majesty's letter, and thereby was a chattel vested in him; that he was confident the King did not wish to invade his rights; and that he could not give way without prejudice to his rights, but that he would have been glad to favour you had you made an application to him by letter. I answered that there was no desire to encroach on his rights, but that some instances of this kind had been made. I shall not trouble you with these, but rather try to quench those sparks which otherwise may come to a flame. I have always tried to allay things of this kind, according to the good advice, *Obsta principiis, &c.* I recommend this course to you. *P.* ⅔. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 159.

General date, 18 May. DOCUMENTS RELATING TO THE CASE OF COLONEL DANIEL O'BRIEN.

Colonel O'Brien to Secretary Bennet.

Of several bills which are transmitted from here to England the bill for confirmation of marriages will be most necessary for our House of Commons to pass in this kingdom. I beseech you also to cause the enclosed addition to be sent to the Solicitor-General, procuring the King's warrant under the Privy Signet to insert it therein. Lord Kingston hath a clause in the same bill and if it be not clogged with more than mine, I hope it will pass. I cannot but take notice of the honour and kindness you do me always in your letters to my Lord Lieutenant.

P.S.—There is none of the Parliament concerned to be against me, for I was content to purchase what some of them had, as you will see by the enclosed paper of the '49 officers. The other is a copy of a letter I carried last to His Majesty. *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 160. *Enclosing—*

Draft proviso in favour of Colonel O'Brien.

And whereas the King is pleased to manifest his "Royal apprehensions of the eminent services which the House and family of the O'Briens, of Thomond have upon all occasions performed to the Crown, and in particular manner of the notorious services and demonstrations of loyalty which Donogh, late Earl of Thomond, and Sir Daniel O'Brien, now Viscount O'Brien of Clare, brother to the said Earl, have during the reigns of the late Queen Elizabeth and King James of blessed memory made and performed, and the great assurance His Majesty hath that Daniel O'Brien, grandchild to the said Viscount Clare shall succeed his ancestors in faithfulness to His Majesty. . . . ." His Majesty having signified his desire that Viscount O'Brien's estate be preserved to him and his heirs:—

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Be it enacted, &c., that all the messuages, castles, manors, &c., whereof Viscount Clare, his sons Connor and Morogh, or any other to their use were seized on 23 *Oct.*, 1641, *and one stone house in the city of Limerick in the Key Lane, and* 1,000 *acres in the co. Clare purchased since* 1641, *by the Viscount and his heirs, be held by them by the same rents, &c., as in* 1641, *without waiting for reprisals, notwithstanding anything in the Act of Settlement. Persons removed under this Act from this estate shall receive reprisals. Saving clauses. Pp.* 1½. *Endd. S.P. Ireland* 313, 160, 1.

Copy of Order by the Trustees of the '49 Officers.

Present:—

Earl of Drogheda.
Lord Ranelagh.
Sir Henry Tichbourne.
Sir Robt. Byron.
Sir Hans Hamilton.
Major Ward.
Captain Gething.
Sir Arthur Forbesse [Forbes].
Sir Francis Butler.
Colonel Clayton.
Lt.-Col. Pigott.
Major Rawden.
Lt.-Col. Little.
Captain Hamilton.

Whereas Col. Daniel O'Brien was, by a bill sent into England, to be restored to his estate without previous reprisals, and whereas he is a person on whom the King has conferred particular favours, we think fit and consent, as much as in us "layes," that, upon the distribution of the security of the commissioned officers who served His Majesty in Ireland before 1649, *the said Col. Brien be admitted to purchase such part of his estate as lies within the security, except his houses in walled towns and corporations, with '49 arrears, he conforming to such rules as shall be laid down for giving out of the said security and paying for the same as much as any other '49 officers. P.* 1. *Dated Green Chamber, Dublin,* 14 *April,* 1663. *Verified by Thos. Buckredge, Deputy-Registrar to the Trustees. Endd. Ibid.* 160, 2.

This concludes the documents relating to this case.

19 May. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT on behalf of COLONEL VERNON.

Vernon states that several claims to the manor of Clontarf and Hollybrook heretofore granted by us to him have been put in before you, and that other claims are being put in for the purpose of vexation only. You shall not permit Patrick Scurlock or Catherine King to put in any claim to that estate, till you shall have examined the grounds of such claims. *P.* ½. *S.P. Dom. Signet Office V. pp.* 388-9.

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19 May. Whitehall. The King to the Lord Lieutenant for Philip, Bridget, Mary and the other children of Philip Hore [of Kilsalghan], deceased.

They could not enter their claims to their estate within the appointed time, as their evidences were kept by the eldest brother who was absent during the period when the claim might have been put in. You shall direct the Commissioners to receive these claims, as we do not wish the Hore's "to be surprised in point of time to the loss of their just rights and interests." You shall restore such of them as prove to be innocent. *P.* ½. *S.P. Dom. Signet Office V. p.* 387.

Also entry of same. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 85-6.

20 May. Dublin. Sir John Temple to Secretary Bennet.

I have your letter and since you have been pleased to return your Act without making any manner of alterations there, I will not fail to procure the passing of it by the House of Commons so soon as Parliament meets. If you can be sure that the Commissioners will grant out reprisals to the present holders you will soon get the estate. Yet I find some are very willing to interpose delays and would like to have your Act respited, in order to obtain your consent to further assistance for the general settlement of the English interest. This they think to be highly interrupted and endangered by the daily declarations and restitutions of innocents by the Court of Claims. But I hope that when the House meets we shall be able to overcome this difficulty. I and my two sons will endeavour to serve you in the matter. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 163.

21 May. Colonel Vernon to Secretary Bennet.

Your affairs must be at a standstill till Parliament meets on July 20. It is prorogued till that day, the reason being that "here was a general design laid for the surprisal of the castle and town of Dublin to be put in execution this very day. The persons to manage the attempt were the persons enclosed, with some others not yet taken notice of, assisted by 100 old officers on foot and 170 on horseback to clear the town. It was so laid but for means and the time of the day that the vigilant [est?] governor living in all probability would not have prevented it but by a foreknowledge of it. Some of them are members of the House of Commons, and doubtless the generality of all the old rebel English officers and Scots were engaged in it and had a correspondence from England and Scotland.

"The troops and forces that were to prevent it were not without corruption though pikett [picked?] of the choicest, and those who had always served His Majesty were acquainted with it, and no other. The excuse being the little time his Grace had to prevent it after discovery, they were resolved at nine at night to attack the Castle at seven in the morning, having by that time sent a party into the Castle under the notion of petitioners upon several occasions. And though it was impossible to gather a sufficient

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party to oppose them without some danger of their suspecting themselves discovered, yet it was so prudently managed by the Lord Lieutenant that they had attempted it, but that the women in whose house they should have lodged their foot, seeing them in good earnest, kept such a clamouring and threatening to discover it to his Grace if they would not depart that they were forced to quit the place and so take new counsels, which were to draw out into the open street next day. But the notice of this alteration coming not till next morning (though sent me at 11 o'clock that night), the forces being [*sic*] so placed by that time to prevent their first design that it prevented them and so they dispersed resolving to attempt it next week when more confederates to the number of 500 officers and brethren of integrity would have been come to town with their horses; but the seizing of these hath prevented that, and the concealing, my friend, give[n] the knowledge, I hope, of all future machinations. I have sent you the copy of their intended Declaration and forbear to give you particulars of the whole scheme, being I know you will have it from a more knowing and fitter hand."

"The ship for the discovery of old Basill [Brazil] is seized in the Isles of Arran, and in it Col. Pritty, but no Ludlow." *Pp.* 2½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 164.

Also inaccurate copy of part of same. *Pp.* 1¾. *Ibid.* 164*a*.

21 May. Colonel Vernon to Joseph Williamson.

Concerning the attempt on Dublin Castle. Many persons of note are implicated in it. Sends a letter for Mr. Fitzgerald. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 165.

21 May. Dublin Castle. Proclamation by the Lord Lieutenant and Council.

Whereas "certain wicked persons of fanatic and disloyal principles disaffected to His Majesty's just and gracious Government" have lately conspired to raise disturbances in Ireland and especially to attack His Majesty's Castle of Dublin, and to seize the person of us the Lord Lieutenant "in order to their carrying on their mischievous contrivances for renewing bloody confusions throughout this kingdom from which evils this realm and all His Majesty's subjects thereon have been but newly redeemed" by the Restoration; "and as we look upon these odious conspiracies as the mischievous contrivances of some fanatic and disloyal persons of desperate fortunes as well as of desperate and destructive principles, who endeavour to amend their own conditions by the ruins of others, or to set up something (if they know what) suitable to the freigne [?] of their own humours," we think it well to make it known, for the quieting of all honest men, that we

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direct, and we do direct, the Presidents of Provinces, Mayors of Corporations, and Sheriffs and Justices of the Peace to arrest and imprison all such persons as they shall within their several areas find to have a hand in this conspiracy.

They shall give us notice of any circumstances coming to their knowledge which may tend to disturb the peace. *Pp.* 1½. *Entry. Overwritten with signature of the Lord Lieutenant (not hol.) and underwritten with same of* 22 *councillors, and with note of printing, &c., as the proclamation of* 18 March, 1663, *q.v. S.P. Ireland* 309, *pp.* 103-4.

21 May. DECLARATION by the LORD LIEUTENANT.

Proroguing the Parliament which is adjourned to 25 May, 1663, till 21 July next. *P.* ½. *Entry, with note of printing, &c., as foregoing. Ibid. p.* 107.

22 May. Dublin. COLONEL VERNON to JOSEPH WILLIAMSON.

We are endeavouring to find out witnesses against the malefactors. You will have full news of their design which was forwarded by the Commissioners' proceedings, who are very honest men, and my friends, but great distaste is taken at Sir Allen's being added. I am sure no wise man envies him. The Commissioners and the Lord Chancellor of Ireland are at deadly feud "they having decreed [?] several into their estates, and he restored them that were tenants unto their possession by an injunction from the Chancery upon this allegation that the Irish proprietor was so violent to the ter-tenant that he would not give time to remove his stock [?] and truly I believe the old proprietors here being generally imprudent in those cases; for they have almost exasperated the whole English against them." *Pp.* 1½. *Add. Endd. S.P. Ireland* 313, 166.

22 May. Dublin Castle. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

All officers in any part of the country who are absent from their quarters shall, whether members of Parliament or not, upon publication hereof proceed to those quarters notwithstanding any licence of absence which they may have. *P.* ½, *&c., as last but one. S.P. Ireland,* 309, *p.* 108.

22 May. Whitehall. The KING to the LORD LIEUTENANT for LORD NETTERVILL.

Lord Nettervill was, in reward of his services, named as one of the 36 persons restorable by our gracious Declaration of 30 Nov., 1660. Some difficulties prevented the late Lords Justices from restoring him and they permitted him to have £400 a year by

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concordatum whilst these difficulties lasted, and allowed 50*s*. a week to his younger brothers and sisters. These payments shall be continued and the arrears thereof paid up. *P.* ¾. *S.P. Dom. Signet Office V. p.* 388.

And entry of same. *S.P. Ireland* 312, *pp.* 87-8.

23 May. Dublin Castle. PROCLAMATION by the LORD LIEUTENANT AND COUNCIL.

Several of the conspirators in the late plot have been arrested, but others have escaped. Amongst them are Thomas Blood, late of Sarny [Sarney], near Dunboyne, co. Meath, Colonel Daniel Abbott, Major Abell Warren, Andrew McCormack, lately a pretended minister, of Magherawly in the co. Down, Robert Chambers, a pretended minister, Gilbert Cart, commonly called Gibby Cart, John Chamberlain, late of Dublin, brewer, John Fook, late of Atherdee, co. Louth, Esq., Lieutenant John Ruxton, late of the same, Lieutenant de la Rock, Major Henry Jones, late of Stelorgan [Stillorgan], co. Dublin, Major Alexander Staples, late of Londonderry, and Lieut.-Col. Wm. Moore, who was lately disbanded and has been formerly garrisoned at Galway and Athlone. These persons are ordered to surrender within forty-eight hours of the publication of this proclamation in the place in which they may be to us or a member of the Privy Council or a Justice of the Peace in their neighbourhood. Any of these persons who fails to do so is hereby declared a rebel and traitor against the Crown and is to be prosecuted by all the King's good subjects. Those who relieve or conceal these persons shall be proceeded against as abettors of traitors. £100 reward will be paid to any person who before 24 June next brings in to the Sheriff of his county any of these persons. *Pp.* 1¾, *with signatures, &c., as the proclamation of* 21 May *above. S.P. Ireland* 309, *pp.* 105-6.

23 May. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

You will now know what is the danger against which I hinted in my last letter. Parliament is prorogued, and your bill laid aside, so we shall have time to make friends. Sir George Lane has chidden me in the presence of Dick Talbot for advising you—as he says—to decline the Duke and him and make use of fanatics. I defended myself with success, but he said you had never written a line to him or the Duke on the matter "and held me no less than two hours upon the rack of that discourse." Take notice of this, for I think the Duke has the same apprehensions.

I hope this last insurrection may advantage you much upon their forfeitures, who attempted this rebellion, especially if it break out in the country, whence we hear that they have taken Kilkenny Castle. I will take care that whatever of their interests is forfeited shall be reserved to your use, and we hope it considerable, for there is not a man of them that are yet known that did

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not engage for the bringing in of at least 20 horse, some 50, some 100. The blame of the whole in put upon the Commissioners, as if we were more in fault for doing justice than they for opposing it. I hope the Government will protect us. *P.* ½. *Signed. Endd. S.P. Ireland* 313, 167.

23 May. Newtown. The Earl of Orrery to the King.

I lately informed your Majesty that, at the desire of the Lord Lieutenant, I hastened hither and put things into such a posture that I was hopeful Munster would be willing and able to serve you, whatever might happen in other parts of the kingdom.

I must now let your Majesty know that "on Friday, the 8th inst., at midnight, a faithful friend on [of] mine brought me the certain notice of that damnable plot which should have been executed the 21st inst. at Dublin." I spent the night in writing despatches, which I sent to the Lord Lieutenant, giving him a full account of the plot and stating where the conspirators met in Dublin, who are the heads, whom they employ into Scotland, and whom to the north of Ireland, as also that they intended speedily to attempt to surprise your castle and city of Dublin, his Grace's person and the State there. I advised that the chief fanatics in the country should at once be secured to prevent their designs from being executed "for I could not but believe some durst not attempt that wickenness unless many were engaged in it. I considered also, and then represented, how ill the army was paid, the Exchequer was empty, the soldiers yet unclothed, in [and] most parts of the kingdom unsettled, and if a fire should be kindled in Ireland none knew how far it might burn. But his Grace was rather inclined to give the conspirators more rope to hang themselves in," being confident that we could quell the rebellion when it took place. I cheerfully submitted to his view and kept on sending him what news I received. My intelligencer, who was in Dublin, has now returned into these parts, and I have sent to the Lord Lieutenant much that I heard from him. He does not think we shall be able to prevent a rebellion in the north of Ireland, and I let your Majesty know this, for, if the north rise, it means that there are many in Scotland who impel them to it. I find all sorts of sectaries engaged in the plot and have therefore, in duty to your Majesty "secured the most factious Presbyterians, Independents, Anabaptists and Quakers themselves in the southern parts of Ireland," for some of them bragged, at their arrest in Dublin, that though there prevented they would soon meet us on the field. I therefore acted promptly. "Things of this nature, in my humble judgment, must not be dallied with, but be crushed in the very egg, and a rebellion is easier prevented than suppressed." I hope I have done right in taking this step.

My friend assures me that of late many fanatics of England and Scotland have come into Ireland to put the kingdom into a flame, and that the plot has taken root in England and Scotland; but

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that, as Ireland is the least settled place, they proposed to begin here. There is one Captain Browne, governor of Liverpool under the usurper, who "lies leiger in Dublin, to hold a correspondency between the fanatics of England and Ireland. I have sent his Grace notice of where he lies, for, if his papers be took, they may discover much. There was also one Major Browne, who had been Cromwell's own major. He had Secretary Morris' pass, which perhaps meant that he had been used as an intelligencer. However that may be, he used strong words against your Majesty, and I accordingly "made bold to clap him up in Limerick."

I have in every troop and company here one or two private soldiers, who inform me as to what goes on in their company or troop, which I find very advantageous. A great Anabaptist named Jackson went to a remote company and tried to make it mutiny by telling the men they would be disbanded by half-dozens and hanged by dozens. The two soldiers to whom he spoke were my spies and reported to me. I seized Jackson and sent him to the Lord Lieutenant, whilst I rewarded my spies with money or promotion.

The officers here have all expressed their detestation of the plot and have professed the fullest loyalty to the Royal cause. It amazes us to find that so many who have lately experienced your Majesty's mercy should again provoke your justice. "I fear the venom which in this country the beasts are exempted from, some men have ingrost to themselves."

Expressions of loyalty. *Pp.* 5. *Signed. Add. Endd. S.P. Ireland* 313, 168.

23 May. Colonel Vernon to Secretary Bennet.

Proofs against the rebels are still being sought. No doubt the plotters have received promises of help and money, and the Scots are promised 4,000 seconds; "and I presume had we dared to trust to the army they would have had an alarm of the Castle being taken, and so trepenned, but, to tell you the naked truth, here is not four troops in Ireland I dare pass [?] my word for. The absence of some officers, the ignorance of others and the dishonesty of most have so composed the army that though there was ten days' time privately to provide a party to resist the enemy's attempts, who designed but to be 180 horse, and there was all, or as many as durst be trusted, of six troops to oppose them, yet upon my conscience, had the enemy attacked them, they had beaten our horse." I confess I saw little safety in this kingdom before the design was broke, but my Lord Arran's regiment and a few old cavaliers, and the prudence of a Government must protect us for a time, by making the English and Irish balance each other. It is a mistake to let officers here live away from their charges. My friend [spy] will be able to do us good service and I will endeavour to protect him. He is now in prison, but if I can manage it he "shall leppe [?] out of prison into England, where

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nothing can stir but that he will be able to detect it." I send Mr. Milward a copy of their intended Declaration, as it might conduce to His Majesty's service that it be read in the House of Commons. *Pp.* 2¼. (*Hol.*), *badly written. Add. Endd. S.P. Ireland* 313, 169.

23 May. Dublin Castle. The Lord Lieutenant and Council to Secretary Bennet.

About two months ago I, the Lieutenant, received secret information of an attempt to seize the castle and my person. My news was confirmed by information coming from the Earl of Orrery, President of Munster, and by other reports from Leinster and Ulster. I made full preparations and was so ready that if the attack on Dublin Castle had been made, as was intended, on the 21st of this month, the conspirators would I think have been taken in their own snare. But, thinking they were discovered, these conspirators, who, up to nine o'clock on Wednesday night, were ready to carry out their design, feared to do so on the following morning. It then became necessary to seize the conspirators, and we arrested some, and shall arrest more. We thought it well to issue a proclamation, a copy of which we send, and to prorogue Parliament till 21 July.

When we have obtained more evidence by examination as to the plot and the authors of it, we shall again make report to His Majesty. *Pp.* 1½. *Signed by* the Lord Lieutenant and eight councillors. *Endd. Add. Ibid.* 170.

23 May. Dublin. Sir Allen Broderick to [the Same].

Yours of the 12 (delayed by winds) and the King's warrant have arrived. I owe it to your generosity, and Mr. Coventry, to my great wonderment, adds that his Grace made no signification of his desire to you, presuming that the Lord Chancellor (to whom he writ at large) would inform you of the reasons which induced him to the choice. *Other details. P.* ½. (*Hol.*). *Endd. Ibid.* 171.

Same. Lord Aungier to [the Same].

Parliament being prorogued, we cannot at present get on with your bill. Meantime I shall try to inform myself of the value of the estate. I have already got returns showing the value of the part in the King's Co., and hope soon to understand the part in the Queen's Co. as well.

The order for preserving the woods is not yet obtained, but Mr. Churchill undertook to get it to-day, and to issue commission to a person now in town to stop the felling, and seize the trees already felled.

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I hope that the late plot, of which I need send no account, will place lands in the King's hands with which he may reward those who have served him faithfully.

P.S.—I have since seen a list of the conspirators against whom there is a proclamation coming out. I find "to my admiration" the name of Major Alexander Staples amongst them. He has a good estate of £500 a year in Tyrone, which will be worth getting. Act quickly or you will be too late. *Pp.* 1½. *Endd. S.P. Ireland* 313, 172.

23 May. Dublin Castle. The Lord Lieutenant to [Secretary Bennet].

The date of the plot was changed to a day earlier, and of this change I heard only after my last letter. As soon as I heard it I made all preparations which could be made consistently with "security."[1] This I did successfully, so that their design held till nine on the Wednesday night, but it was abandoned the next morning, either because a warm reception was expected by the conspirators, or because they were frightened by the clamour of the woman of the house from which they expected to rally (a very convenient one for the purpose). Having heard about four in the morning that the design would not be carried out, I sent parties to arrest the conspirators, and about twenty-four were arrested, and with them, as it appears to me, very clear evidence of their traitorous intentions. Whether it be so in law or not the judge and juries will decide. The prisoners are now to be examined and they will be inclined, I think, to save themselves at the expense of accusing others. I send a copy of their intended declaration. *Pp.* 1¾. *Signed. Endd. Ibid.* 173.

24 May. Dublin [Castle]. The Lord Lieutenant to the Same.

You will in another hand have an account of the attack against this place, the first object of all such movements in this country. I let the design ripen, though at some risk, intending to apprehend the plotters [?] as late as possible. I believe that this step has, as I expected, reprieved us from movements elsewhere for the time being, but I do not think we shall ever be safe till the army may be punctually paid. I must be pardoned for repeating this, but the late event shows how necessary such payment is.

I desire you to request the King to forbear engagements for the estates of those that be found guilty, that, if anything arise out of such estates, it may be devoted to the King's service, and to the rewarding of those who discovered the plot.

I believe now that, in spite of "the nicety of our laws" we shall be able to make examples of some of these conspirators. *Pp.* 2. (*Hol.*). *Add. Endd. Ibid.* 174.

[1] *i.e.* consistently with not being found out by the conspirators.

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24 May. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I find that the estates forfeit by this last attempt will beget many suits and pretenders. I am not very anxious to gain by these forfeits and by your and the King's favour, but as, owing to the duty which I here discharge, I was more exposed, even than my brothers, to danger in the event of this design being successful, I think I may not unreasonably put in for a small proportion among the rest. Among the twenty or more who are about to be proclaimed traitors by the proclamation there is one Major Abell Warren that hath a newly acquired estate of about £400 or £500 a year—most of it such as cannot be taken from him without previous reprisal. If the King will grant it me I think I shall be able to reserve it out of the jaws of the Act of Settlement. Should the Lord Lieutenant (as I think likely) propose to the King some public purpose for the whole of the forfeited estates, he would yet I believe favour this application if the King referred it to him. I need not tell you how "dry" our employment is here "clogged with clamour, without any certainty of profit." I am only anxious to be able to serve the King.

P.S.—Lord Aungier reminds you of the postscript in his late letter, and urges you to lose no time. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 175.

25 May. Dublin. SIR GEORGE LANE to [the SAME].

Parliament is prorogued. Sends list of the prescribed plotters, and hopes soon to be able to tell of further arrests. *Other details. P.* ⅔. (*Hol.*). *Add.* "For yr self." *Endd. Ibid.* 176.

ENTRY of PETITION.

Charles Viscount Muskerry, and Lady Margaret, his wife. They show that Ulick, late Marquis of Clanricarde, who served the Royal cause, &c., loyally in the late troubles, received no pay owing to the distracted state of the King's revenue. His arrears are now due to his daughter the Lady Margaret. They pray that they may be allowed to state such arrears to a referee appointed by the King, on whose report His Majesty may do what seems fit to him.

26 May. Whitehall. The King directs reference to the Duke of Ormond for a report as to the best course to be taken. *Pp.* 1⅓. *S.P. Dom. Entry Book XIII. pp.* 293-4.

Same. ENTRY of the KING to the LORD LIEUTENANT concerning the Parliament.

Directing him to express the King's pleasure to the House of Commons at their action in vacating the order of 28 Feb. last, which reflected upon the Commissioners of Settlement. *P.* 1½. *S.P. Ireland* 312, *pp.* 88-9.

Also draft of same. *P.* 1½. *Endd. S.P. Ireland* 313, 177.

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26 May. LORD CHANCELLOR EUSTACE to SECRETARY BENNET.

I wish no further honour to be settled on my boy till he has given proof of his future hopes, "for happily if this were done, it might make him careless of his books and give him over to loose courses." It is most true that *Virtus sola nobilitas*. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 178.

[About 27 May[1].] The KING to the LORD LIEUTENANT for purchase of the Phœnix.

By letters under our Privy Signet and Sign Manual dated Dec. 1 last we ordered you to pay Lord Chancellor Eustace for 440 acres of land at Chapel Izard [Chapelizod], "to be laid unto our manor house of Phœnix." . . . . And whereas the quantity of lands designed to make a park for our use near the Phœnix do amount to a larger quantity and will cost more than we were informed of . . . . and that we are now resolved to buy the whole manor and house of Chapel Izard with the town and lands thereunto belonging, and several other lands which lie most convenient to enclose for a park," you shall purchase such lands as you think fit for this purpose from Sir Maurice Eustace, or the other persons empowered to sell it and the Earl of Anglesey shall pay for the same up to £10,000. You shall also "enclose or impark with a stone wall" so much of the land as you judge fit for that use in the manner in which you have already begun it "and store the same with deer." *P.* ½, *with note in margin: "Entr.* 27 May." *S.P. Dom. Signet Office V. pp.* 389-90.

[Same]. SAME on behalf of LADY MABEL TYNT or TINT.

By a clause in the Act of Settlement it is provided that the lands and houses set out to any person or persons for satisfaction of loans or debts incurred for provision, arms, or ammunition furnished for support of the army in Ireland at the beginning of the rebellion should be and remain disposable for satisfaction of such of the said debts as, upon examination of the respective cases, should appear most deserving of satisfaction. Lady Mabel Tint, executrix of Sir Robert Tint, petitions to the effect that Sir Robert at the beginning of the rebellion disbursed sums amounting to £5,011—yet unpaid—for the relief of the army, and served the Royal cause in Connaught when things were going very badly there. His grandchild and heir Sir Henry Tint served under our father's ensigns here, and therefore had his estate sequestered. He has left his widow, the petitioner, charged with many debts, and she depends largely upon getting this debt paid. As soon as any lands, &c., come in forfeited which are appropriated to such cases you shall consider Lady Tint's petition and see her satisfied in proportion with others in the like case. *P.* 1, *with note as foregoing. Ibid. pp.* 390-91.

[1] This and the following two entries are not dated, but are of approximately this date. *See above pp.* 93-4, the enclosure in Sir George Lane's of 16 May, "List of letters," &c.

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[About May 27.] The KING to the LORD LIEUTENANT for DR. WILLIAM CURRER.

On 3 July, 1660, we granted the post of Physician General of the Army in Ireland to Dr. Currer. You shall give him a patent granting him that place with a fee of 10*s.* a day. *P.* ⅔, *with note as foregoing. S.P. Dom. Signet Office V. p.* 391.

27 May. COLONEL TALBOT to [SECRETARY BENNET.]

Your bill cannot go on whilst the Houses are not sitting, and unfortunately the Commissioners are delayed in doing your work, which they cannot advance till the bill is passed. I fear Parliament may be dissolved before it meets again. Let it meet for but ten days and the bill will be passed, *and after His Majesty does what you desire,*[1] if it once pass, we will work out our business notwithstanding your fears.

Other details. The value [of the Clanmalier estate] cannot be accurately estimated, but I think that, with good management, it would come to £30,000. Leave the matter in my hands and I will tell you when to move. *Pp.* 1½. (*Hol.*) *with Spanish phrases. Endd.* "Colonel Talbot." *S.P. Ireland* 313, 179.

27 May. Dublin Castle. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

The Act passed in the present Parliament for enlargement of the periods fixed by the Act of Settlement authorised the Lord Lieutenant and six members of the Council to enlarge those periods up to twelve months from the limits laid down in the original Act. In the exercise of that authority we direct the following enlargements:—

The period within which we may suspend any proviso or clause in the main Act for restoring the estates of any private person which we deem to be contrary to the Declaration and Instructions, which was originally limited to 1 December, 1662, and has already been enlarged to 1 June, 1663, is hereby enlarged to 1 December, 1663.

The period within which Adventurers may make their deficiencies appear, which was originally limited to 29 September, 1662, and has already been enlarged to 20 June, 1662, is hereby enlarged to 29 September, 1663.

The same with regard to the periods for showing the incumbrances resting on the lands set out to adventurers and soldiers which are to be satisfied out of lands in the co. Kildare, except as excepted in the Act. The dates are 23 October, 1662, 20 June, 1663, and 23 October, 1663.

The same with regard to the restoration of innocent Papists. The dates are 1 August, 1662, 20 June, 1663, and 1 August, 1663.

(1) The italicised words are in Spanish.

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The same with regard to the period within which soldiers or Adventurers, who had taken surveys of their lands, were to bring in their surveys to the Commissioners of Settlement. The dates are 29 September, 1662, 1 April, 1663, and 29 September, 1663.

By the Act of Enlargement, we, the Lord Lieutenant and Council, were also given discretionary power to extend the time within which innocent Protestants and Papists might be restored, provided that no such extension should extend that time beyond twelve months after the first sitting of the Commissioners of Settlement. The first sitting took place at the "place called the King's Inns, Dublin," on 20 September, 1662, when the Commissioners published their Commission. This period is hereby enlarged to 20 September, 1663.

The period within which bribery, forgery, subornation of witnesses and false admeasurement may be discovered, originally limited to 23 October, 1662, is hereby enlarged to 23 October, 1663.

Under the Act of Settlement persons justly entitled to the peace mentioned in the Declaration who have obtained lands in Connaught or Clare, but have not got the full amount of land mentioned in their decrees by 1 August, 1663, are to be at once satisfied with equivalent lands elsewhere. The date is hereby varied to 1 August, 1664.

Under the Act of Settlement those who served faithfully under the King's ensigns beyond the seas, were to be restored to their estates, a reprize being first assigned and set out of the remaining forfeited lands undisposed of to Adventurers and soldiers. The limit for restoration and reprisals was the 23 April, 1663. That date is hereby varied to 23 April, 1664.

A clause in the Act of Settlement directed us to take care that the decrees and estates in land set out in Connaught and Clare to transplanted persons and bought from them by Sir Charles Coote, Earl of Mountrath and others [*set out here; see Section* 50 *of the instructions accompanying the Act in* Statutes at Large, Ireland, Vol. II. *p.* 252] should be confirmed to them [*under conditions, for details of which see the Act as above pp.* 282-3]. These decrees were to be made clear to [us] by 25 March, 1663, and if any of these persons had purchased any such lands upon any insufficient decrees, they were at liberty to place upon such lands any other unsatisfied or reprisable decree. This date is varied to 25 March, 1664.

There is also in the said Act of Settlement a clause for more particular apportioning and dividing the lands among the Adventurers and satisfying their deficiencies, which directed us to make a proclamation requiring the Adventurers and soldiers to state their claims, &c., by 23 October, 1663 [*full details given, for which see Sections* 3, 4, *and* 5 *of the Instructions, in* Statutes at Large, Ireland, Vol. II. *at pp.* 265-6]. This date is varied to 23 October, 1664.

The period within which the commissioned officers before 1649 are to have their arrears stated, which was originally limited by the Declaration to 29 September, 1661, and was enlarged by the Act of Settlement to 1 May, 1663, and by us to 1 August, 1663, is now enlarged to 1 November, 1663.

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The sheriffs of the several counties shall proclaim this our Act. *Pp.* 7½, *with signatures and note as the Proclamation of* 18 *March above, q.v. S.P. Ireland* 309, *pp.* 109-116.

ENTRY of PETITION.

Henry, Earl of Dover. The King on July 31 last authorised the Duke of Ormond to commission petitioner to discover concealed lands in Ireland, and to grant him the arrears of such discoveries. Petitioner has spent much in this work, and finds that the revenue to be brought in thereby will not be sufficient to remunerate him for his work. He prays for a lease of one-third of all those concealed lands to hold for one and thirty years, he paying a quarter thereof as rent to the King.

30 May. Whitehall. The King directs reference to the Duke of Ormond, who shall transmit a letter on the petitioner's behalf, for His Majesty's signature. *P.* 1 *S.P. Dom. Entry Book XIII. p.* 297.

30 May Dublin. The LORD LIEUTENANT to the KING.

The late plot seems to have been much more extended than I had thought; and is likely to recur unless we show that we are prepared to foil such attempts and that they mean absolute ruin to the contrivers. They will never be put down however till the army is so paid that we can march with a great part of it to any spot where disturbance may break out. My spies deserve a reward for their vigilance. I find that the conspirator relied much on the existence of divisions in your Majesty's Court and Councils; and unless these diminish the recent attempt will be repeated.

I enclose an intercepted letter from a person on whom I cannot yet light. I think the information which it contains was furnished by Giby Carr, who, I am sure, was lately here and a prime conspirator, and is said to have been a remonstrator in Scotland. Your servants in high places should be compelled to agree with one another, and divisions not to be tolerated. If the Parliament or people be diverted from their proper work and made instruments of ambition or revenge, God knows what mischief may result. "It is not flattery to say your judgment cannot be deceived in persons or advices if you please to allow it the necessary helps of patience in hearing and deliberations in resolving, and removing the impediments of prejudice and indulgence out of the way of reason." *Pp.* 2. (*Hol.*). *Add.* "For your Matie." *Endd. S.P. Ireland* 313, 180. *Enclosing—*

John Campbell to his cousin, Archibald Campbell, of Drumfinie.

I should have written before but did not know where you were. "To such times" I write to your old friends, Walter Morrison, of London, tailor. I am sure you had a sad welcome at home, but these

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family afflictions are but to purge us of our sins and to restore the family to its former honour. To-day, coming from Sir Arthur Forbes, who is not "inconstant as May is in this frozen age, I meet with a person of quality of our nation who hath mounted me almost to the middle region with comfortable news from England, and told me that my Lord Commissioner, who was the only adversar to some of your old friends is not so well looked on nor thought of as formerly at Court and that the Dooke of Bacloogh [Buccleuch] is to come in his stead to Scotland and the Lord Latherdale [Lauderdale] to be his tutor, who I hope will not be so bad a friend as the former."

I should have gone home this summer, but that Sir Arthur advised me not to go home in the heat of all the malice till I heard from thence. I fear I shall not get my arrears. P. 1. *(Hol.). Dated Mullingar,* 28 *May. Add. Endd. S.P. Ireland* 313, 180, 1.

30 May. Dublin. The Lord Lieutenant to [Secretary Bennet].

More arrests have been made, but we cannot obtain evidence against any without pardoning some. I shall select for pardon those who most deserve it and who can tell most. Col. Edward Vernon's vigilance in this matter deserves a reward, and I shall presently propose one.

In order to pay the army—which is our great difficulty here—I am preparing to reduce all private horse troops to 45 common troopers, and the foot companies to 60 common soldiers. This will make such a saving that the supply desired will put us beforehand "and in same time we may be able to fill up the troops and companies again or to add sixpence to the pay of each trooper and twopence to each foot soldier, which I conceive will be better, the pay being now so little that we have more that desire to be dismissed than to be entertained." *Pp.* 1½. *(Hol.). Add. Endd. Ibid.* 182.

30 May. Dublin Castle. Sir George Lane to [Same].

I have no news but the enclosed further list of conspirators. We have no packets from England, and hope that the evil action of these plotters here has had no bad influence with you. *Other details.*

P.S. (1) By Col. Richard Talbot, promising his services, and testifying to the loyalty of Sir George Lane. *P.* ¼.

(2) By Sir George Lane. 1. "For all Fortescue's boots, that is for all my friend Richard's good character, I must send you a ranting letter I had from him this afternoon." He would not have used such expostulations with a Secretary of State if he had not hopes we may have use of such blades as he in these dangerous times, "but to pacify him I was forced to get him his two shutes of clothes and 24 pieces of ribin custom free, which hath vexed the customer sufficiently, believing he was rather a marchant than so mad as to employ so much ribing upon two shutes. Mr. O'Niell can expound the proverb of Fortescue's boots. *In all, pp.* 3. *Add.* "For yr self." *Endd. Ibid.* 183.

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30 May. COLONEL TALBOT to [SECRETARY BENNET].

The Lord Lieutenant is not averse to the proposition in favour of Sir Charles Berkeley, which I have pressed upon him, but told me that his only difficulty was that there is not money here to meet all the King's expenses in connection with the army. That being "onct" in a settled condition he will do his best, and will not recommend it in any other's behalf, though many ask him for it. *Other details.* *P.* 1. (*Hol.*). *Endd.* *S.P. Ireland* 313, 184.

Same. MEMORANDUM for COLONEL RANDALL CLAYTON.

A letter for a grant to Col. Randall Clayton of lands purchased by him from soldiers in the co. and city of Limerick is now sent to Secretary Bennet for the King's signature. *P.* ¼, *with note* (*hol.*) *by* the Duke of Ormond asking that the King will sign this letter for a very honest officer. *P.* ½. *Endd.* *Ibid.* 185.

Same. COLONEL VERNON to [SECRETARY BENNET].

We are arresting more conspirators. They now tell the truth and say that the design was in effect wholly Presbyterian and was on foot long before the Commissioners suits. Blud, one of the chiefs, and Col. Gibby Car are certainly, as I now hear, fled to Scotland, the last [?] of which did above 18 months ago press Henry Cromwell to engage. Cromwell may, I think, be concerned, for many of the rebels named him for general, and his own chaplain, Charnoke, came privily hither and proposed [?] him [and] told them they had £20,000 ready in England, and that on any good success the fleet would revolt. But in a short time "I shall be able to give you the truth, for my friend, as we have managed the business, will be secured [?] from the knowledge of their party, who hath increased his reputation with them by his obstinacy upon his examinations." I have arranged for him to escape to England where he will, I hope, be rewarded by the King. The army is in a tottering condition. Nothing secures it but the Royal regiment. Six or seven troops of the "most dangerous" horse should be disbanded, and a troop of Guards paid with that pay. If such a troop—of 200—were brought out of England and, with the foot regiments and Lord Lieutenant's troop, resided in Dublin, it would keep all in subjection. *Pp.* 2. (*Hol.*). *Endd.* *Ibid.* 186.

31 May. Dublin. COPY of the DEPOSITION of JAMES TANNER taken before the LORD LIEUTENANT.

James Tanner, of Dublin, examined says that:—

The first time he heard of any design was early in April last. About that time Thomas Blood, late of Sarny, near Dunboyne, met

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witness in the street and showed him a letter from Stephen Charnock, who had been chaplain to Henry Cromwell. The letter was directed to Blood and said that if things were ripe here a person (not named in the letter, but witness interpreted it to be Henry Cromwell) would soon be here to "seal the writings." Witness took this to mean "to head the party." The letter also spoke of the discontent in England and said that people in England "united" [*? a mistake for* "waited"] for a beginning here, or something to that purpose.

Not long after, Charnock arrived out of England and at Mr. Philips, the Glover's House, in Castle Street, where the said Charnock then lodged. There were with Charnock the said Blood and also Lieutenant-Colonel Alexander Staples and witness. Blood told witness that he intended to take Dublin Castle within a week in May, and that he and one Lacky, his brother-in-law, had been in the North about Christmas "to sift the Scots"; and that the Scots proposed to rise in arms and second the design of taking the Castle.

Lieutenant Richard Thompson and Colonel Edward Warren told witness on May 17th that he, Thompson, was designed to head the party of horse that were to be at the postern gate of the Castle, leading to the stables, when the Castle should be surprised.

Warren desired Thompson to be with him in heading the design in other parts of the town, and Thompson said "he was for any place." These words were spoken in Colonel Edward Warren's house in St. Thomas' Street. Witness was present and there were also present John Chamberlain, who dwells "at the Coome" [Coombe], and one Captain Browne, whose Christian name he knows not. Blood told witness that he had spoken on the matter to Colonel Robert Shapcott, who had advised him to speak of the design only to one person at a time in order to secure secrecy. Blood also told witness that Captain Alexander Barrington was in the said design. The handwriting now shown to witness is that of Blood, and contains the matter of a Declaration. Witness knows his writing well. Blood told witness that the taking of the Castle had been put off till May 21; and that he had sent to Colonel Abell Warren to come to town about the business, but that Warren could not be there before 21 May. Blood also told witness that Colonel John Chambers was to raise a party in the co. Louth, which would be brought hither by one Fowkes, whose Christian name he knows not. Chamberlain told witness that one McCormuk, a Scottish minister, had been lately at Dublin, and came in disguise to see in what readiness they were for the design, and that he went into the North and that they expected to hear from him the Tuesday next before the 21st of May. On 21 May, Blood, Lacky, Thompson and witness dined together at the sign of the *White Hart* in St. Patrick's Street; and after dinner all the said persons in the witness' hearing discovered the design for taking the Castle the then next day. After dinner Philip Alden, Captain Browne, and Alexander Jepson, one Ford and one Lawrence, both of Trim, came thither, who were also present at the said discourse. On the 20th witness

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went to Blood at his lodging at the *Bottle*, near St. Patrick's Gate, and showed to the said Blood a letter which witness received from William Skelton, wherein the said Skelton signified that he would be in town that night with six horse to join in the attempt to take the Castle. Skelton came accordingly with the said party of horse; and Lawrence, when he and Ford and the rest were at the *White Hart* said "Let us go on in the design, even though we have but ten horse." Lieutenant-Colonel Staples, when departing from Dublin, told witness that he was going to deal with the Scots for their conjunction in the said design of taking the Castle, and that he would try to secure Londonderry. Since then witness heard from Staples that men were coming in to him apace, and that he was to send a man to Newry to carry news from one to the other; and that when they heard that the Castle was taken, they in the North would take the field. Blood told witness that Lieutenant-Colonel Moore, who went into the North some time after Staples, went there for the same purpose. Witness does not know Colonel Gilbert or "Gibby" Carr, but Blood told witness that the Lord Lieutenant had sent horse to arrest Carr at Blood's house, that Carr had lately been here and was now in the North collecting men to aid—as witness thinks—the said design.

At the meeting at Colonel Edward Warren's house, Captain Browne said that he would be able to get on horseback and asked to borrow a horse of Colonel Edward Warren. Blood told witness that Robert Chambers, a minister, was in the said design; and Robert Chambers was seen by witness at Blood's house; and Blood had been at Chambers' house "on the Coome" [Coombe]. The witness on one occasion heard Chambers say that they could not go on for want of hands. Blood told the witness of the device for taking the Castle, which he had planned for threequarters of a year. Six men whom he did not name (except one Jenkins, a shoemaker, living without Newgate), were to enter the Castle about six o'clock in the morning on 21 May at the Great gate. These six were to get towards the back gate leading from the Castle to Sheep Street [Ship Street]. At that time a basket of bread was to be brought in at the back gate, and be let fall at the gate. The six men who were in the Castle were then to join with the bread carrier against the soldiers at the gate; and in the tumult Blood and 100 men should enter the gate and capture the Castle. One Crawford was to draw off some of Lord Dungannon's troop, and Major Abell Warren's brother, William, to draw into their party some of the troop at Trim, lately under Sir Thomas Armstrong's command. Blood told witness that he had engaged in that design one Heyden, of Clonee, an inn-keeper, and one Pierce, who dwells a little beyond Dunboyne. Staples told witness that he would never have joined in this design if Colonel Robert Shapcot had not done so. *Pp.* 5. *Endd. S.P. Ireland* 313, 187.

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About May. HEADS of a DECLARATION to be set forth after taking the Castle.

See Calendar of S.P. Ireland, 1660-2, *pp.* 167-8, where two other copies hereof are calendared. This copy is placed there as *S.P. Ireland* 305, 117*a*.

ENTRY of PETITION.

Richard Chamberlain and William Clapham. They ask to be collectors of such revenues as by the recent Act of Parliament in Ireland for conversion of tenures will come to His Majesty of fee farm rents.

May. Whitehall. The King directs reference to the Duke of Ormond. *P.* ¾. *S.P. Dom. Entry Book XIII. p.* 290.

End of May. The PROLOGUE to POMPEY,[1] by the Earl of Roscommon.

The mighty rivals whose destructive rage
Did the whole world in civil arms engage
Are now agreed and make it both their choice
To have their fate determined by your voice.
Cæsar, from none but you will hear his doom,
He hates th'obsequious flatteries of Rome,
He scorns where once he rul'd now to be tried,
And he hath ruled in all the world beside;
When he the Thames, the Danube and the Nile
Had stained with blood, peace flourished in this isle,
And you alone may boast you never saw
Cæsar till now, and now can give him law.
Great Pompey, too, comes as a suppliant here,
But says he cannot now begin to fear;
He knows your equal justice (and to tell
A Roman truth) he knows himself too well.
Success, 'tis true, waited on Cæsar's side,
But Pompey thinks he conquered when he died;
His fortune, when she provéd most unkind
Changed his condition, but not Cato's mind.
Then of what doubt can Pompey's cause admit,
Since here so many Catos judging sit.
But you, Bright Nymph, give Cæsar leave to woo
The greatest wonder of the world but you,
And hear a muse which hath that hero taught
To speak as generously as ere he fought,
Whose eloquence from such a theme deters
All tongues but English and all pens but hers;
By the just Fates your sex is doubly blest,
You conquered Cæsar and you praise him best.

[1] A play by Catherine Phillips. Possibly, this prologue and epilogue were written for the performance which Sir Nicholas Armourer gave for his soldiers in Dublin in 1663. *See* his letter of May 13, *above p.* 87.

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To the Duke:

And you, illustrious Sir, receive as due
A present destiny reserved for you;
Rome, France, and England join their forces here
To make a poem worthy of your ear.
Accept it then and on that Pompey's brow
That gave so many crowns bestow one now.

P. 1. *Followed by—*

The EPILOGUE to POMPEY, by Sir Edward Deering.

Pleased or displeased, censure as you think fit
The action, plot, the language or the wit,
But we're secure; nor bolder thought can tax
These scenes of blemish to the blushing sex,
Nor envy with her hundred eyes can spy
One line severest virtue need to fly.
As chaste the words as harmless is the sense
As the first smiles of infants' innocence.
Yet at your feet Cæsar's content to bow,
And Pompey never truly great till now,
Who hath [? doth] your praise and kinder votes prefer
Before the applause of his own theatre;
Where fifty thousand Romans daily blest
The Gods and him for all that they possessed.
The sad Cornelia says, your gentler breath
Will force a smile even after Pompey's death.
She thought all passions buried in his urn,
But flattering hopes and trembling fears return,
Undone in Egypt, Thessaly and Rome.
She yet in Ireland hopes a milder doom,
Nor from Iberian shores nor Lybian sands
Expects relief, but only from your hands.
Even Cleopatra, not content to have
The Universe and Cæsar to her slave,
Forbears her throne till you her right allow,
'Tis less to have ruled the world than pleaséd you.

P. ¾. *In all, pp.* 1¾. *Conway Papers. S.P. Ireland* 313, 188.

JUNE, 1663.

1 June. Whitehall. The KING to the LORD LIEUTENANT for JOHN GALWAY FITZANDREW.

Fitzandrew, who is one of the ancient natives of Cork and has long been loyal, wishes to be restored to his estate there, and has put in a claim before the Court of Claims. As under our Declaration of 30 Nov., 1660, we have power to restore innocent Papists in corporations, we desire that Fitzandrew, when declared innocent by the Court of Claims, be restored to the property in the cities and liberties of Cork and Waterford which he or his tenants held in 1641.

Pp. 1. *S.P. Dom. Signet Office V. pp.* 405-6.

Also draft of same. *Pp.* 1½. *Add. S.P. Ireland* 313, 189.

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2 June. The Marquis of Antrim to Secretary Bennet.

I have this morning received the enclosed draft from Sir Edward Turner, my counsel, to whom I sent a copy of Cormack O'Neale's grant and my wife's petition, and desired him, on review of the whole matter, to draw up such a letter as might without reflexion be granted by His Majesty, and secure my wife in her just right. I hope the enclosed will answer these ends, and that all we now need is diligence for its despatch, for which I pray. Until it is sent to Ireland I cannot get any money. I am too ill to write with my own hand. *P.* 1. *Signed. Endd. S.P. Ireland* 313, 190.

[2 June.] Extract from a letter of Lord Berkeley to the Lord Lieutenant.

I should not so easily have obtained of myself to be so soon and so long absent from my charge in Ireland had I not observed that those that understood His Majesty's affairs much more than I did differed so totally in judgment with me as I must have acted against the light of my own understanding, which is no pleasing condition. *P.* ¼. *Written and endd. (with date and title as given) in* Lane's *hand. Ibid.* 191.

3 June. Dublin. The Lord Lieutenant to Secretary Bennet.

Since mine of the 30th of last month, I have received yours of the 26th, and I dispense with all answer to any other part of mine of the 13th. Since you have fastened upon that part of it which renewed my engagement of real friendship to you I shall be glad to show myself your friend. "If that letter upon which so much pains was so successfully taken by Prince Rupert be not an artifice betwixt the two busy brothers to drive a trade of cheating [?] the Ministers of Spain, it is not to be doubted but that the design upon us here was the forlorn hope of that which was to be acted in England." I am induced to these beliefs by many considerations of kindness offered by the fanatics to some Papists, but chiefly by the arrival in the West of Ireland of "a ship load of priests," I believe about 50—a number that can hardly have come over at the same time merely by chance.

My putting you in mind of the bill now in your hands concerning oaths was from what I answered at the Board, "when the drawing up of Acts of further penalling the Papists according to the desire of the House of Commons was moved; namely that there was no need for transmitting a new bill for taking the oaths, one for that end being already there; and, as I believed, not forgotten, but, for some reason, not thought well to be returned; so that if His Majesty find it inconvenient to bring it to debate and then either to reject or pass it," I will use my best endeavours to prevent any pressure being put upon him from here. I have I fear displeased my Lord Berkeley, and that with no other design than the performance of my duty, and that in as friendly a manner towards him as was possible.

However it shall be taken, I am bound to defend the King's interest here; and I may not be able to dispense with so important a person as the Governor of a fourth part of Ireland; but if the King,

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after knowing that I desire Lord Berkeley's presence here, dispense with him, I shall in all cheerfulness attempt to " take that addition of weight upon me " as I ought ; " but I shall then hope His Majesty will not countenance, I think, those unreasonable and unwarrantable pretensions of his to the nomination of Governors in all places of his province, and those so planted by his authority as not to be removed on any occasion by mine; much less that he should delegate his power to his Vice-President, who has no military power in the province." If this is allowed to continue I am Governor of but three parts of the kingdom, and it is not reasonable that I should be responsible for more—or indeed for any part, since the ill government of one may be the ruin of the other three. You will please return me the King's pleasure on these matters that I may apply myself to the Government of the kingdom.

I am like to be in a perplexity concerning this Parliament, whether it shall be suffered to meet again or dissolved or prorogued. To inform you of their state of mind as far as I can I must say they are " highly unsatisfied, indeed enraged, at the proceedings of the Commissioners, and have been able to persuade all the English their ruin is designed by them " or at least will follow their judgments ; and I have been assured that an impeachment against some of them was contrived, and appeals against their decrees prepared, by divers that were outed of their possessions by them. It is true that I am informed that the discovery of the late plot has stopped that course of action ; but I do not know whether this be true or whether, if stopped, it may not be resumed again.

The principal contrivers of the late design were Parliament men and many of those whom I have thought it safe to secure are of that kind. " One of these called Shapcot is a lawyer and a very leading man in the House, of a bold seditious spirit," and it is likely that the Commons may, if they meet, call for their member or for his trial, with which we may not be ready to proceed. I do not know what appeals or declarations this may lead to, and this is the reason against summoning Parliament.

The reasons for it are :—

The bill for extending the time for the trial of innocents must be passed by the first of August; otherwise all who have not been by that date tried will be for ever concluded. The answer to this is that it is scarcely likely that they will pass that bill, the greatest advantage of it coming to the Irish ; and that the other bills which are before the House may wait. Another reason for calling them is that there is some hope that they may grant further supply for His Majesty's occasions ; but if they come at once to their impeachments and privileges " it is odds but before they come to the supply I shall be compelled to separate them, after perhaps they have left some inconvenient marks of their humour behind them. The best reason I can think for their meeting may be that they will say that they were kept asunder for the purpose of depriving the English of the benefit of their consultations and addresses to the King for them," and [of depriving] themselves of the opportunity of denouncing the late plot, " that so some blemish may remain upon all the English the better to justify the ill-measure they are to expect ; but

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all this they may say with as good success and reason in case they shall be separated upon apprehension of the danger that may arise from these proceedings when they are together. On the whole I incline as you see to keeping them asunder, but as there are objections to both courses I wish to have the King's orders.

"I have by this time tired you. I am sure I have myself; but you shall never find me weary or resting [?] when you shall direct me how I may continue to assume that I am

Your most affectionate humble servant ORMOND."

Pp. 5. (*Hol.*). *Endd. S.P. Ireland* 313, 192.

3 June. Dublin. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

I have yours of the 26th and thank you for the enclosure. I hope we have paid you back with our news of the Presbyterian plot. "If it be not time now for the Parliament to think to secure the three kingdoms from the mischiefs these riged villains would bring upon the King and all good men, I know not what to say." The jails are full of those rogues and we have enough "to hang them and most of the party." Now is the time to smite them; and I think "all other heats should be laid aside till we have warmed ourselves by this fire." Till these storms are allayed you will not see your master. "I will stick to the puissant picke while there is hope of a bed of Honr [Honour ?] to lie in. When a calm appears you are sure of me over the gate, where I'll be content to stay four hours for a supper and thy companie. Till then, God bless thee. Remember me to F. Povey and bid him leave his whoring, and his eating. Drinking I am sure will not kill him.

Adieu be just and love

Thy faithful friend and master, NIC."

Pp. 2. (*Hol.*). *Add. Endd.* "Sir Nich. Armorer." *Ibid.* 193.

Same. SIR THOMAS CLARGES to SECRETARY BENNET.

I have been three weeks out of Dublin and have only lately got yours of May 16. I do not now intend to leave this place till I see your bill made into a law. Since I left here there have been disturbances by seditious spirits, but about these you are probably already informed. "To say the truth this kingdom is in great disorder. Both the ancient and new English Protestants are very bigott in their opinions, and zealous against the Irish, and of those Protestants there are several sorts, which, although they accord in nothing else, agree in that, so that without much care the settlement of this kingdom will be one of the knottiest pieces in the King's Government. I, that had the honour to be the most of any but one employed in the busiest year and the most happy of this last century, pretend to some experience this way. I at that time (which was as intricate as this) was careful to find out the dispositions of all people to please them as one of the best ingredients in

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our great composition of affairs. And I yet think if there could be a way found out to a little more to sweeten some sorts of men, our tranquillity might be very durable. And methinks when I had the honour to speak with you last at Kirk House, you had as right measures as ever I knew for such a work and such as I wondered to hear from one who had been twenty years absent from the true knowledge of the temper of these kingdoms, varied by the several alterations in them. I am not so much a State Emperick to think the rules for government of the body politic can be positively delivered, any more than for the natural. Yet there may be some general aphorisms from whence according to the alterations and complexion of affairs all things may be directed." But I will go no further into these matters lest I am seduced into such particulars as may not be acceptable to you or fit for me to meddle in. I am thankful to say I am content with what I have and "affect retirement quietly to enjoy it and to study therein what your friends at Madrid call *arte para ser dichoso*" [the art of getting rich].[1]

Yet before I go out of this world I will leave in it a little history of the King's restoration—if only to show my friends that I do not sullenly quit for want of a title to enjoy them. If you will in the meantime send me that cypher you speak of I shall be glad to serve you on condition that you will tell me if I do anything which you disapprove. Sir Paul Davis, who is Secretary of State here, is at your service, and is discontented that you do not write to him as often as Sir Edward Nicholas did. I am sure you do not fail to do so for any offence to his person, but merely because you do not know him; so I hope you will alter your custom of address and send all to his hand as Secretary Nicholas used to. He is popular in Parliament, and his eldest son is Recorder of Dublin and "a good brisk speaker in the Commons House, who may be serviceable to you." *Pp.* 2¾. (*Hol.*). *Add.* "Sir H. B." *Endd. S.P. Ireland* 313, 194.

3 June. Dublin Castle,

SIR GEORGE LANE to SECRETARY BENNET.

I have been working for your friend, Mr. Lye, since I last heard from you, and the Lord Lieutenant now consents to the office being passed for him, in your consideration and to the disappointment of a servant of his own who has served him long and faithfully. The place is in his own gift, and, that you may know what places are so, he has directed me to send you a list of them. I am very glad that you and he are reconciled. *P.* ¾. (*Hol.*). *Add. Endd. Ibid.* 195.

Same.

PROCLAMATION by the LORDS JUSTICES and COUNCIL.

The Act "for enlargement," &c.[2], gave us certain powers [*see the Proclamation of* 27 May, 1663, *above pp.* 106-8, for these powers].

[1] Mr. Crump of this office has kindly translated these words for me.
[2] 14 and 15 Car. II., Cap. 12, *for which see* Statutes at Large, Ireland.

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The Act of Settlement enacted that all Adventurers and their heirs having or claiming lands in Ireland for their adventures should pay one year's rent out of their lands by equal instalments payable on 1 November, 1662, 1 November, 1663, and that all soldiers claiming or having such lands should pay one half year's rent out of the same, the sum being payable on 1 November, 1662, on pain of losing any benefit conferred on them by this Act.

These payments due on 1 November, 1662, were postponed to 3 July, 1663, by successive orders of this Council [*details given*]. They are now postponed to twelve months from twenty days after 1 November, 1662. Within this period all Adventurers and soldiers shall make the required payments, basing their payments on the value of their estates in November, 1659, as they can best estimate it. Any sums which can be proved to be paid in excess of what is due shall be refunded. The sheriffs to publish this order in these counties. *Pp.* 3½, *&c., as proclamation of* 18 March, 1663, *above p.* 45. *S.P. Ireland* 309, *pp.* 117-120.

4 June. Whitehall. The King to the Commissioners of Settlement for Thomas Fitzgerald, of Morett [Moyrett], Queen's Co.

Directing them to extend to three months from this date the time within which Fitzgerald must put in his claim to his estate in Ireland. His estate is now in his hands, but he may be questioned therefor. *P.* 1. *S.P. Dom. Signet Office V. p.* 393.

Also draft of same. *Pp.* 1¼. *Undated. Endd. S.P. Ireland* 313, 196.

Also entry of same. *Pp.* 2. *S.P. Ireland* 312, *pp.* 99-101.

4 June. Dublin. Sir Thomas Clarges to Secretary Bennet.

I hear from a friend that an Act is passing in the Commons' House of Parliament to vacate all grants for money payable to any except it be brought into the Exchequer. This will destroy a pension of £500 a year I have from the coal farm, unless you save me. I need not tell you why I got this grant, but it was for a service for which there has been some thousand pounds a year and a dozen of the greatest honours in England distributed to ——. I am told there is a proviso to save the Duke of Albemarle and my Lord Sandwich by name, and the Coldstreamers, of which last I am one, but, my grant being a perpetuity, I shall not be helped but by special words. And though I were to be hanged for it I cannot allow to any man in England, except the Duke of Albemarle, an equal merit in the happiness of this day. I am comforted much in that I hear that good Duke is much concerned for me; but I hope not to have to trouble him to use his influence, and beg you will not use yours if it troubles you. I dislike troubling my friends.

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Parliament is prorogued here another month as there were no bills back from England for them to pass. We are glad that the King is sending over £60,000 to help us with our public expenses. Four of the chief conspirators have been condemned, of whom one is since mad; and a fifth is to be tried directly. *Pp.* 1½. *Add. Endd. S.P. Ireland* 313, 197.

5 June. Whitehall. The KING to the LORD LIEUTENANT for COLONEL RANDALL CLAYTON.

Several lands, &c., in the parishes of Carrick Parsoone [Carrigparson], Cahirvally, Donaghmore, Feudaghmore, Rochestowne, and Derrygalvan in the county and city of Limerick, were heretofore, by the late usurpers allotted or assigned to Captain Edward Tomlins, Thomas Mates, Benjamin Serjeant, William Andrewes, and Dr. Cartrett, or some of them respectively, for their arrears and services in Ireland, and are lately purchased by Colonel Randall Clayton from them for good and valuable considerations. We are conscious of Clayton's services to our father and ourself both here and in Ireland. You shall examine into our title to the premises, of which he desires a grant; and, as you find it, make him such a grant. He shall get reprisals for any of these lands which appear to belong to innocent Protestants or Papists. *Pp.* 1½. *S.P. Dom. Signet Office V. pp.* 394-5.

5 June. COLONEL VERNON to JOSEPH WILLIAMSON.

We are quiet here at present but generally speaking the English are discontented and the Irish do not carry themeslves prudently, being too much puffed up. Some of the Confederates have escaped to Scotland but are being pursued. Many are as yet unapprehended. I would have sent Mr. Secretary word how to find Charnoke, but am told that he shall have it from a better hand. Manage that fellow with prudence and you may find the whole knot of the confederable [?] ones and their treasure. "Be sure you make it part of your care to inspect him. My friend is not yet discovered so that you may expect better thanks from him. There is about fifty prisoners, most of which have pretty estates which we say here are all given away already." The best way to secure this country is to disband some horse and make a Royal regiment. I wish I could have a corporal's place. Do not trust Lord Anglesey, who is coming towards you. I am sure the management of these affairs has been kept from him though "hele" [he will?] tell you strange [?] stories. *Pp.* 1¼. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 198.

5 June. Bleumorie [Beaumaris]. ROBERT LYE to [the SAME].

I was going on to catch the packet-boat at Holyhead, having found no conveniency at Chester; but as I find here the *Mary Jack* (given by the King to the Lord Lieutenant) ready to sail I am going over by her. I have no news. *Pp.* 1½. (*Hol.*). *Endd. Ibid.* 199.

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6 June. Whitehall. ENTRY of the KING to the LORD LIEUTENANT.

Directing him, in consequence of the late plots and conspiracies against the Government to cause to be composed and published, articles and rules of war according to former precedents, and to see them duly executed for the prevention of all mutinous and licentious disorders. *P.* ⅔. *S.P. Ireland* 312, *p.* 102.

6 June. [COLONEL] VERNON to [JOSEPH WILLIAMSON].

I shall study to requite the friendship which you and Mr. Secretary show me. I am very sensible of the cheat [?] intended by that clame [? claim] which looks five descents backwards, the same persons having put in other claims which have come to an arguing upon the attainder of George King, whose blackness I presume will be by the next post presented to the King from the Lord Lieutenant and Council. These can do nothing against me but by some forged deeds or some old settlements suppressing others which have been for four descents, who have constantly enjoyed this estate. The Commissioners however know by experience how to deal with claims of this kind, and by a new Act that is coming over. In the interim [?], I am on my defence and rely on your help and that of Mr. Secretary to hinder such letters [as may oust me]. Parliament is prorogued till 25 August; so that as Mr. Secretary's concerns are at a stand I intend to step over to him, not valuing my own where my master is concerned. Lakey, who has gone stark mad since his trial, blaspheming God and affecting to be Christ, is found guilty; and Colonel Warren [?] Corporal Thomson and Jepson, a member of Parliament. Chambers [?], upon some ingenuity, is not yet tried. The others will, I presume, have sentence passed on them to-morrow, and so to execution. They have repented and will die penitent Christians, "desiring that their brethren, the Presbyterians, may be carefully watched, for there is a thorough engagement amongst them both in England and Ireland and Scotland; and this [they confessed] without desire of their lives, but by way of repentance, being worked to it by Dr. Parry [?] and others my Lord's chaplains, from whom they received the Sacrament this day. Bishop North, to show he is not any longer a Presbyterian, made a handsome [?] and learned sermon upon the conspiracy of Bigtha[n] and his fellow discovered by Mordica[i].[1] He did conger [conjure] down rebellion. As the term ends I presume a Commission of Oyer and Terminer takes place, and then have at them by wholesale! Lord Massereene's, Sir Henry Ingoldsby's, Sir Audley Mervin's and other names have been accidentally upon the stage upon the examining of witnesses."

P.S.—This day Mr. Loftus is found guilty of treason and manslaughter. *Pp.* 2. (*Hol.*). *Badly written. Endd. S.P. Ireland* 313, 200.

(1) Esther II., 21.

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6 June. Dublin. The Lord Lieutenant to Secretary Bennet.

I hope you have by now received the account of the late design upon us here, which was delayed by contrary winds. I send you a copy of a pretended letter from England and will in a little time let you know from whom it comes. I hope the reconciliation undertaken by the King cannot fail of success, and that I shall have nothing to do but help to make it lasting, &c. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 201.

6 June. Dublin Castle. Sir George Lane to Joseph Williamson.

"Dear Sir,"

I have to acknowledge yours of 16 and 26 May and 5 June and to entreat you to acquaint Mr. Secretary that I yesterday got the Lord Lieutenant's hand to the warrant for passing the office of Escheator of Leinster to Robin Lye's brother according to his desire.

In future address your letters here not "to the Lords of His Majesty's Privy Council," but to "the Lord Lieutenant and Council of Ireland." This is a friendly hint, which I know you will take in good part. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 202.

Same. The King to the Lord Lieutenant for Garrett Fox, of Moyvoyr [Moyvore], co. Westmeath.

Fox was adjudged an innocent Papist and restorable to all his lands except three houses in Dublin, which three houses our Commissioners did not think fit to adjudge for him though his innocency and title were [satisfactory], but only a reprize for the same. Exercising the power reserved to us in the Act of Settlement, we direct you to grant him these houses by patent, which lie in Castle Street, or elsewhere in Dublin, in as full a manner and at such rent as he held them at in 1641. *P.* 1. *S.P. Dom. Signet Office V. pp.* 414-5.

8 June. Whitehall. Same to Receivers of the Adventurers' moneys for Henry Howard.

By letters of 13 Oct., 1662, we directed you to pay £2,000 to Howard out of the first profits of the half-year's rents to be paid by adventurers and soldiers. Only one-fifth part of such profits was allotted to be paid out by reason that the first payment fell short of what was expected. The sum shall therefore be paid him out of the first of the second instalment of half-year's rents which comes into your hands. Clause for execution, &c. *P.* 1. *S.P. Dom. Signet Office V. pp.* 415-6.

Also draft of same. *Pp.* 2. *Countersigned by* William Morice, *and with note by* Sir Philip Warwick that it was entered in the Signet Office on 4 July, 1663. *S.P. Ireland* 313, 203.

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8 June. Whitehall. DRAFT of ROYAL WARRANT to ————.

Directing him to prepare a bill for the King's signature containing a grant of the dignities of Viscount Berkeley, of Drummore in [Down] and Baron Birhaven [Berehaven] in [Kerry] to Sir Charles Berkeley, Keeper of the King's Privy Purse, and to the heirs males of his body, with remainder to Sir Charles Berkeley, Treasurer of the Household, and his heirs males. Clauses to be inserted in the bill specifiying the services of the Berkeley family to the Royal cause. *P.* 1. *Unaddressed. S.P. Ireland* 313, 204.

9 June. Whitehall. WARRANT under the SIGN MANUAL to the ATTORNEY or SOLICITOR-GENERAL.

In same form as foregoing, but directing that Sir Charles Berkeley, the Keeper of the Privy Purse, receive the title of Viscount Fitzhardinge of Toul and Baron Berehaven—to him and his heirs males, with remainder as in foregoing. *P.* ¾. *Countersigned by* Secretary Bennet. *Endd. Ibid.* 205.

[Before 9 June.] PETITION to the LORD LIEUTENANT of LUKE GERNON, showing that:—

He wishes that his petition for payment of £100 a year granted him by the King, which was referred to the Council, may be promptly considered. Petitioner is 77 years old, but is so destitute for want of this pension that he has been obliged to travel to Dublin in the endeavour to get a hearing. Petitioner, having been long second justice of Munster was made chief justice by the King, but was then represented by Lord Orrery to be superannuated. The King thereupon directed that he should receive a compensation of £100 a year. He passed a patent thereof, but the sum was at the suggestion of the Earl of Orrery charged on the casual profits of the provincial court of Munster, which are not able to pay it. Petitioner has not been paid and is too old and poor to go to England to petition the King.

He prays for consideration. He has always been loyal to the Royal cause and suffered at the hands of the usurper, and "at the revolt of Cork for tendering the oath of allegiance to persons suspected by order from the Lord Inchiquin, then Lord President of Munster, was confined and turned out of town with his family." He prays for payment of the arrears of his allowance and that it may be charged upon such fund as may be able to pay it punctually. He asks for some immediate relief. *P.* ¾. *Underwritten with*—

Order, dated Dublin Castle, 9 June, 1663, directing Mathew Barry to read the petition at the next Council Board, when proper steps shall be taken for the petitioner's relief. *Endd. Ibid.* 206.

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10 June. Dublin. The Lord Lieutenant to Secretary Bennet.

I am glad the King is pleased with what was done to prevent the late design. No time will be lost in trying those who are in hold and inditing those who have fled, but the lawyers tell me great care must be taken in putting together evidence as any flaw may lead to a failure, and the prisoners are too well friended not to have any point taken which is to their advantage. The term is luckily near at hand and they promised to be ready by the first of it. I send the best information we have as yet been able to get regarding the correspondence held by these base traitors in England. You may, if you are able to arrest Charnock, be able to "drive it further there." I send a copy of what I recently wrote to the Chancellor of Scotland which, with the instructions sent him from England, will, I am sure, arouse his vigilance.

In mine of the 3rd, I asked for the King's pleasure . . . for the management of his affairs here, "which grow to [too] fast and to [too] hard here upon me," I write for directions concerning the continuance, prorogation or dissolution of this Parliament; and the assistance I would have is that of all those who have offices and charges in this kingdom, especially of the President of Connaught. For absence of this last, the task of disarming all suspected persons will probably not be well performed. I repeat this humble request because by the adjoined extract of Lord Berkeley's letter it seems that it is not inconvenience but uneasiness which he apprehends. If this excuse is adjudged good, I have no objection to make, should the King dispense with him; but I humbly ask that the dispensation be not granted because Lord Berkeley thinks himself wiser than the rest of his fellow servants here, and that it be not so granted as to be a "reflexion on the Government which he thinks fit to judge and not to assist. I am unwillingly provoked into anything so like a complaint, but I hope the King will think the difficulties I contend with here need not the discouragement of grevances [?] and reproches [*sic*] there."

By the last post I let the Lord Chancellor know what ruin would fall upon this kingdom if there should be a prohibition of exporting cattle from here to England, and that one inevitable consequence must be that the King must provide out of England for his army here, or have none. The mere noise of such an intention is likely to be of vast prejudice to the King's revenue this year. This, added to the disturbance caused by plots and ill humours, will so disorder trade and payments that I much fear all our computations will fall short of their estimates. I should be glad to be able to state publicly—if I can do so—that this prohibition will be laid aside. If not you know what the needs are which you will have to be prepared to supply. *Pp.* 2½. (*Hol.*). *Add.* (*in* Lane's *hand*) "For yourself." *Endd.* (1) *Generally*; (2) "Answ[ered] 20th"; (3) *with the following note*—

There is no new imposition levied on any Irish cattle that are imported between December and 1 July, "which is to prevent the bringing in fat cattle only, in the intention of this new Act.

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Any numbers may be brought in as formerly at the old rates within that limited time; and if a longer time be granted after July they would send hither their fat cattle, which would be of infinite prejudice to most counties in England." *S.P. Ireland* 313, 207.

10 June. Dublin. The Lord Lieutenant to Secretary Bennet.

I shall look after your affairs as carefully as those of my nearest relations. The fate of your bill depends upon the resolution taken concerning the meeting of Parliament. If Parliament is dissolved I think there must be a new transmission. Mr. Ley found his business done before he came here. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 208.

10 June. Dublin Castle. Same to Same.

Amid all I have to think of, I forgot to mention one matter to you in my letter of December 3. There is one Stephen Charnock, a pretended minister, who is deeply implicated in the late plot. He was chaplain to Henry Cromwell when he governed this kingdom and in some of these examinations stands charged to have been, before his going for England, privy to the plot for surprising Dublin Castle; "and that after his going for England and whilst the plot was in contriving he wrote hither a letter signifying that if the business were ripe here a person (not named in the letter but interpreted by one Thomas Blood (that showed the letter here) to be Henry Cromwell) would soon be here 'to seal the writings' (those are the words of the letter) but interpreted by Blood to be 'to head the party.'" The letter said that people in England were discontented and waited for a beginning to be made in Ireland—or something to that purpose. Charnock lodged with Robert Litlebury, stationer, at the sign of the *Unicorn*, in Little Britain, and Littlebury can say where he is if he is not there. He is believed to have been at Chester on his way here when he heard that the plot had been discovered, and may have returned thence to London. It is absolutely necessary that he be sought out and apprehended, and examined as to his letters hither with regard to that design, and to the sending of the money hence from England.

P.S.—The enclosed papers will show you how he who charges Charnock thinks that he may be discovered. *Pp.* 1¼. *Add. Endd. Ibid.* 209. *Enclosing—*

Sir George Lane to James Tanner.

I am commanded by the Lord Lieutenant to direct you to let him know the place where Mr. Charnock lodges. Please write it at the bottom of this note and return. P. ½. (*Hol.*). *Dated* 6 *June, Dublin Castle. Add. Underwritten with—*

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Note by Tanner.

Charnock lodges with Mr. Litlebury, a stationer, at the sign of the Unicorn *in Little Britain, London. If he has moved, Litlebury* [*sic*] *will tell you where he lies. Five lines. Signed. The whole, p.* ¾. *Endd. S.P. Ireland* 313, 209, 1.

James Tanner to Sir George Lane.

Unless you go warily to work you will hardly meet with Charnock. He ordered his letters to be superscribed to Mr. Robert Litle-Bury [*sic*] *and underneath the superscription to place the letter "C," so that he might be undiscovered. I suppose he has heard of the discovery of the plot and will therefore be upon his keeping. P.* ½. *Add. Endd. Ibid.* 209, 2.

James Tanner to Robert Litlebury.

You may credit the account which the bearer will give you of our affairs here. P. ½. (*Hol.*). *Dated* 6 *June, Dublin. Add. to Litlebury "at the sign of the* Unicorn *in Little Britain, London. C." Ibid.* 209, 3.

10 June. Whitehall. The KING to the LORD LIEUTENANT for JEFFRY GALWEY, minor, and KATHERINE GALWEY, his mother.

Jeffry and Katherine are both of Kinsaile [Kinsale] and relicts of the late and loyal Dominick Galwey. They shall, if declared innocent by the Court of Claims, be restored to their lands, &c., in Kinsale by exercise of the powers vested in us by the Declaration of November, 1660, for restoring innocent Papists in corporations. *P.* ⅔. *S.P. Dom. Signet Office V. pp.* 418-419.

Same. SAME to [the RECEIVERS of the Adventurers' moneys] for the DUKE OF ORMOND.

On 6 December, 1660, and 31 January, 1661 [*sic*] we directed you to pay £71,900 odd to the Duke of Ormond out of the half-year's rents of adventurers and soldiers—a fund we intended to allocate to those who had deserved most highly of us, and not for payment of just debts for which other provision is made. We now find that our said directions and letters are not consonant to the Act, since they allocate to a certain purpose money which should, according to the Act, not go to that purpose. Nevertheless we think that the Duke's sufferings, losses, and eminent services for the Royal cause entitle him to payment of the £71,000, out of the fund provided by the Act for such cases; his arrears and

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other dues being paid according to the tenor of the Act. You shall accordingly make payment of the £71,900 to the Duke out of the half-year's rents "for reparation of his said losses, eminent sufferings and services." This payment shall be a first charge on the sum which comes in excepting what shall be reserved out of the counties of Eastmeath, Westmeath, Kilkenny and Wexford, formerly appointed by us for another just use. You shall take receipts from the Duke. *Other details.* *Pp.* 2. *S.P. Dom. Signet Office V. pp.* 396-7.

Also note of docquet of same. *S.P. Ireland* 312, *p.* 104.

10 June. Whitehall. The KING to [the LORD LIEUTENANT and COMMISSIONERS of SETTLEMENT ?] for the EARL OF ORRERY.

By the Act of Settlement all sums which are forfeited by the Adventurers for not having paid in the full sums due from them under the Adventurers' Acts of 1641 and 1642 are vested in us and to be disposed of as we think fit. The said forfeited subscriptions, commonly called the lapsed money of the adventurers, and the original moneys of such adventurers as have received satisfaction for the same out of Crown, Church, or other lands in Ireland, formerly exposed for sale in that kingdom, whose interests have been considered by the late Commissioners upon the leasing of our Crown lands, &c., are also vested in us. In this way the satisfactions due to the original adventurers are devolved upon us, and not to be settled upon the respective adventurers. Several sums of the said lapsed money are however satisfied on lands and enjoyed by persons who have no claim thereto, inasmuch as they are by the Act in our particular grant. You shall pass patents granting to the Earl of Orrery one-third of these forfeited subscriptions, or lapsed money, and of the adventures satisfied on Crown lands and church lands, &c., in Ireland, and of the houses, lands, &c., which are or shall be set out in satisfaction of the said third share, at £50 a year rent, and so proportionably for any lesser part thereof. So much of the said lands as have been heretofore set out or enjoyed in satisfaction of any part of the lapsed money, or so much of the same as, according to the original sums adventured shall amount to a third share of the whole, shall be granted to the Earl of Orrery towards satisfaction of his third share. If the same shall fall short of his share, lands shall be forthwith set out within the counties of Louth or Kildare, or such other convenient places applicable to the satisfaction of deficient adventurers as you shall think fit, in full satisfaction of the residue of his said third part or proportion, according to the measure prescribed for the adventurers whose moneys were respectively paid in at the same time that the lapsed money and other adventurers' [moneys] were paid in.

A grant shall also be inserted to the Earl of all the rents, issues, arrears, &c., thereof already due or hereafter growing due, or for which any person shall be accountable to us; but a clause shall also be inserted, whereby the Earl of Orrery shall be made liable to pay

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£1,000 sterling to Thomas Killigrew and Edward Progers out of his first profits under this grant. You shall place in bills to be sent over here clauses for better execution of this grant and give orders to the Commissioners of Settlement for its good execution, and shall reprize the Earl for any of the lands herein set out which are already restored or may hereafter be restored to their former proprietors. *Other beneficial clauses.* *Pp.* 5½. *S.P. Dom. Signet Office V. pp.* 398-401.

Also note of docquet of same. *S.P. Ireland*, 312, *p.* 105.

10 June. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I have met Mr. Lye and presented him to his Grace for delivery of the letter which he bears touching your affairs. You may be sure of the Lord Lieutenant's assistance. You will know first what will become of this Parliament, and if you let me know about that I shall be punctual in attending to your affairs. *P.* 1. (*Hol.*). *Add.* "For yourself." *Endd.* *S.P. Ireland* 313, 210.

10 June. ENTRY of the KING [to the LORD LIEUTENANT] for SIR GEORGE WENTWORTH.

Sir George is called to Ireland on his private affairs, and may need your favour. We recommend him to your countenance and protection remembering, as you do, the services and sufferings with which he served King Charles I. *P.* ⅔. *S.P. Ireland* 312, *p.* 103.

[About same.] SAME concerning COLONEL SHOPCOTT.

Shopcott has been arrested by you as an accomplice in the late plot in Ireland and, for more effectual proof against him, should be examined here before us or such as our Privy Council here appoint. You shall send him over here in custody and see that he speaks to none save when his custodians are present. *P.* ½. *Ibid. p.* 105.

[About same.] ENTRY of the KING to the COMMISSIONERS of SETTLEMENT for AUGUSTINE COSTIGAN.

Through "distance of place and other accident" Costigan could not put in his claim for land in time before you. You shall receive and hear any claim put in by him or his agents within three months hereafter. *P.* ½. *Ibid. p.* 104.

[About same.] NOTE of same for Mr. Hollywood's claim to be received within three months. *Two lines.* *Ibid.*

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11 June. Dublin. SIR THOMAS CLARGES to the SECRETARY BENNET.

I should have written about the plot but that I thought you would know all about it from others. As yours of the 1st shows me that this is not so, I send you here the declaration which the conspirators were to have published when they had mastered Dublin Castle. The castle was to have been attempted by a party on May 26 at night, and was so near doing that—if all I hear is true—the discovery was not made till the night before. I was in the country at the time and do not know the depth of the design, but, by the declaration, it seems to be of a Presbyterian strain, whereof there is here a great and numerous party, but most of the new English and Scots, but to my wonder I hear one of the most active of them had been an officer in the King's army. The sedition so far as I know was not much diffused, being managed but by few hands, but the discontents are so great they might have found too many abettors. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 211.

Same. ROBERT LYE to JOHN WILLIAMSON.

I should like you to call to mind the substance of Philip Hore's letter which he had through my hands. He is one of the Irish gentlemen recommended by the Earl of St. Albans as I suppose. Pray let me know what you can of his business. Be assured of my devotion. *Pp.* 2. (*Hol.*). *Add. Endd. Ibid.* 212.

13 June. Dublin. SIR ALLEN BRODERICK to SECRETARY BENNET.

I shall obey your orders as sent by Mr. Lye. The time for restoration of innocents and reprize of adventurers and soldiers will expire ere the work be finished and this will necessarily involve an additional Act for prolongation of periods, and perhaps a more compendious way of adjudication; of which I shall presume to give you an account. If in framing it I can put in a clause for effectually confirming the King's grant to you without the trouble of passing your single bill " and the impertinences of such in both Houses as will vainly pretend to merit by the despatch, you shall find the beginning of that duty which can never end till my latest breath pays you the thanks and the prayers of

Right Honourable Sir,

Your Honour's most humble and most devoted servant,

A. BRODERICK."

P. ¾. (*Hol.*). *Endd. in* Williamson's *hand. Ibid.* 213.

Same. FRANCIS, LORD AUNGIER to the SAME.

I am glad to be thought capable of advising in your affairs. We cannot, until Parliament meets here, give you any account of what fortune your bill is likely to have. It will not be opposed

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on account of Lord Kingston's clause, for all parties concerned agreed to that before it left the Council. [*Other details* as to Lord Kingston's estate.] I think we can count on the support of Lord Kingston, who is very popular in the House of Commons. If the Bill meets any *Remora* there, it will be upon the general score of reprisals rather than otherwise. But, if you fear any opposition on Lord Kingston's score, we have time to transmit you from hence, before the Parliament meet, another bill out of which that provision will be left.

I informed you in my last of a considerable estate, which I mention again as it is urgent that you should apply for it at once. It is an old property, in no way subject to the hazards of the Court of Claims, and I believe the Lord Lieutenant will favour you if you procure a warrant from the King. Major Staples was yesterday on his examination and, I hear, has confessed enough to forfeit the estate of which I wish to see you master. It lies well together and is worth £500 a year to-day. *Pp.* 2¼. (*Hol.*). *Endd. in* Williamson's *hand. S.P. Ireland* 313, 214.

13 June. Dublin Castle. SIR GEORGE LANE to the SECRETARY BENNET.

You will herewith receive a despatch from my Lord together with a letter from the King; and these will tell you all that can be told about the plot, which doubtless extended to the King's other dominions. I shall always be willing to help you and am waiting for your news about the Parliament purely for your sake; for I would fain see that particular settled before a dissolution. *Other details. Pp.* 1. (*Hol.*). *Add. Endd. Ibid.* 215.

13 June. Dublin. [FRAGMENT of] the LORD LIEUTENANT to the KING.

I shall endeavour to obey the commands of your Majesty concerning Sir Charles Berkeley, which I have received; but you know the difficulty of paying the army here, and that I have had to reduce a full forth of the common men at a time when, if we could afford it, we should increase them. I say this, not because I do not wish to carry out your Majesty's bounteous intentions towards Sir Charles, but that he may not, by waiting upon an uncertainty, miss your Majesty's favour elsewhere. *P.* ½. (*Hol.*), *without signature or address. Endd. Ibid.* 216.

Same. The LORD LIEUTENANT to SECRETARY BENNET.

"I have yours of the 6th instant and the order therein contained for putting martial law in execution, which I conceive [?] I had more powerfully in my commission for the Government under the Great Seal; and yet that is not held warrant enough to proceed so far as death or corporal punishment; nor would it, since my Lord of Strafford's time, but that it made part of the treason on which he was condemned. In time and place of war, it would again be

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practised without scruple; but in time of peace a court martial will hardly be found [?] that will sentence a soldier to death or direct the execution; nor should I easily sign a warrant for it." The only remedy is to get what is fit for the government of the army in times of peace made law by Act of Parliament, which I should think we could get passed here, "where it is likely an army will be kept up at least as long as any of us live."

The Chief Justice, who is an honest man and good lawyer, thinks that the prisoners should be tried by a special Commission, after the example of former and later times in matters of this nature. I have ordered him to consult with the other Justices and King's Counsel and agree upon the easiest and quickest way of proceeding. This must not be so hastened as to endanger the miscarriage of the work. "I am so unskilful in the law that I submit to those of the profession; but they shall want no quickening from me."

My letters of 30 May last were sent by Sir Francis Butler. There was something in that letter which I did not care to trust to the post; as I have evidence that the letters sent thereby are opened by persons who have ho authority to open them. The King's letter, enclosed with yours, was no answer to it.

There were with me this morning the trustees of the '49 officers and showed me the copy of a letter from the King undersigned by you and directed to the Commissioners importing [?empowering] the restoration of about seven persons to houses in Kilkenny, in case they should be found innocent; and they say they have heard of a great many more letters that had been or would be procured to the same effect, whereby not only they will lose a great part of what is designed them, but also the security of the corporations, in which that of the kingdom mainly consists, will be impaired. I wrote to you in March last when this was foreseen and you will find my words in the adjoined extract of that letter. It is also objected that by the words of the Act letters cannot be regularly sent until after the parties are declared innocent.

I await an answer to my letters to the King of 3 June. *Pp.* 2¼. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 313, 217.

18 June. Dublin. Copy of the Lord Lieutenant to [the Duke of Albemarle].

Sir Anthony Morgan being lately anxious to remove himself out of this kingdom into England, he then desired my pass to that purpose, which I did not hold necessary at the time when the traitorous design on Dublin Castle was not known, nor any interruption of passage feared. But as I hear that your Grace, finding him reach England at the time of the plot, thought he should have had a pass from me and demanded one of him, I write to let you know that the only reason why he had no pass from me was that I did not think one needful. I hope you will free him from any engagement you may, in consequence of his having no pass, have laid upon him. *P.* 1. *Not addressed. Endd. Ibid.* 218.

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18 June. Whitehall. Copy of Secretary Bennet to the Lord Lieutenant.

I have your Grace's of the 6th with nothing accompanying it but a pretended letter out of England, which I had in my hands about two months ago, and which, I think, had also been in print. I am glad you are so near the discovery of the author. If he be discovered and punished, others will be deterred from a design which is now too frequent.

The answer of the King to the public part of yours of the third goes enclosed as I lately promised you. You will see that the course proposed is a good middle between the two extremes proposed by you, on either of which more inconveniences seemed to attend than on this middle course. If you agree not to this course we presume that you have time to send for such other orders as you think will be more fit. You must choose to come over here people who will represent the extreme as well as the moderate factions and furnish means to execute what will contribute most to the peace and content of the whole. The two His Majesty particulariseth of one kind are Lord Massereene and the Speaker of the House of Commons. The choice of the others is left to your election.

Herewith shall go also a warrant for Shapcot, that in case he is demanded by any privilege prejudicial to the King's service, you may say that he is demanded here. This is done on a supposition that the proofs against him may not be so convincing. If they be, you may use the warrant or lay it aside as you see cause. The King adheres to the view that speedy and severe examples should be made of those against whom there are sufficient proofs.

You will see from the public letters that money is to be sent you. I hope that with this—and I think I herein speak the King's mind—you will disband a part of the army. They may be easily supplied with good men from here, "which, whilst you are projecting it there, may be got together here without noise."

In conclusion I send you the King's letter for the £71,000 which, as I told you, was not detained from you by the King with any unkind thought to you. Lord Orrery will also receive his letter by this post. Lord Anglesey will best be able to answer for his own when he comes, since your Grace seems not to be so well acquainted with it. *Pp.* 2¾. *S.P. Ireland* 313, 219. *Enclosing*—

Copy of the King to the Lord Lieutenant.

We are surprised that there is still in Ireland so much dissatisfaction in the execution of the rules which he thought had been so equally made for the content of all parties and persons concerned. The many complaints against the Government brought to us, and the late plot, are strong evidences of this. That there may be nothing wanting on our part to restore that kingdom to the quiet at which we have so principally aimed, we send you directions:—

(1) *To enlarge the prorogation of Parliament from July* 21 *to August* 21.

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(2) *To send over to us two select persons of the Privy Council, two in like manner of our Commissioners, three of the House of Lords, and six members of the House of Commons nominated by yourself, to make us a full representation of the state of that kingdom, in order that, upon view of the whole, we may rectify what is amiss and may the better authorise the decisions made or to be made by the Court of Claims, "of whose prudence and equity we cannot in the least manner doubt—much less of your vigilance and care in the whole concernment of that kingdom." Yesterday in asking the House of Commons for supplies for our very trying occasions, we particularly mentioned Ireland. The supplies were cheerfully voted, so that we hope we may soon be able to make good what we have long promised you for the good of our affairs there. Two copies. Pp.* 2 *and pp.* 2¾, *the second endd. generally, the first endd. generally, and with notes apparently relating to the choice of persons to come to Ireland. S.P. Ireland* 313, 219, 1, *and* 219, 2.

13 June. Dublin. THOMAS BATE to THOMAS LITTLEBURY at the sign of the Unicorn, Little Britain, London.

Not knowing how to direct a letter to Mr. Charnock, I send it under cover to you and shall be obliged by your forwarding it. He will pay postage. *Five lines. Signed. Add. as above. Endd. Ibid.* 220. *Enclosing—*

Thomas Bate to Stephen Charnock.

I have long wished to hear from you and have feared that you were ill as I did not hear. This term we shall have a trial with Mr. Reynolds. He put in dilatory pleas last term to get time. Other details as to private debts. P. 1. *(Hol.). Add. Endd. Ibid.* 220, 1.

13 June. SIR GILBERT TALBOT to JOSEPH WILLIAMSON.

I ask for the estate of one Blood, who was very notorious in the late wicked plot, and is fled. Blood had a small house and £100 a year in the barony of Dunboyne, co. Meath, which was of his own ancient inheritance but now forfeited to the King. The Duke and Duchess of York and Earl of Bath will speak for me. I rely on getting this order from the King in such a way that the Lord Lieutenant will respect it. *Pp.* 1¼. *Add. Endd. Ibid.* 221.

Same. COLONEL TALBOT to [SAME].

Robin Lee has arrived with his warrant for his place, but he tells me it is of no great value since the Court of Wards was put down. It is a great ease to me that he is here, but I shall continue my care as if he were not so, and, in order to it, have asked the

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Lord Lieutenant for an order for preserving the woods [of Clanmalier]. Lord "Anger" would have them put in his hands tha the might destroy the title that was left, for his people have destroyed more of them than all others, and do sell the timber daily on the place and in the town. "But I had a rubbers with him this day about it. He is the slyest little creature in the world; he put you upon putting in my Lord Kingston's proviso in your bill purposely to hinder the passing of it, because I would not consent his own proviso to be to invest him in his grant without a reprisal to you." Without that he does not think himself secure, neither is it reasonable he should, for it is the first thing upon the whole estate and lies in the heart of it; and as he stands now I will order the matter so as there shall be no reprisal for his porte [part ?] and then of course that must come to you. But if he will content himself with the reprisal for it "a God's name let him have it." You must never consent he should have those lands which lie in the middle of yours; but not a word of this till the bill be passed.

There is a new bill preparing now to go along with my Lord Anglesey that alters much of this whole Act, and 'tis by the advice of the Commissioners. Sir Allen Broderick has just been with me here, contriving if, in that bill, we could better your pretention. He and I will consult Sir Richard Ransford (who is much your friend) on the matter. But I feel sure your bill will pass notwithstanding Lord Kingston's proviso and all other rubs. I have spoken as you directed me, to the Lord Lieutenant about Sir Charles Berkeley but have not heard from Sir Charles since I sent him three letters. I shall not go to England till I see this [the Clanmalier] estate in your possession. I hope to get you a good part of it soon for I am now upon dealing with Captain Kingston for Nelson's part of it. You sent me a better letter from thence which was given you there by somebody about a month ago, and I am putting out another fellow out of part of it which he holds upon account of English arrears. I hope the rest will soon follow. *Pp.* 3¼. *Endd. in* Williamson's *hand*: "Col. Talbot." *S.P. Ireland* 313, 222.

18 June. Dublin. LORD KINGSTON to SECRETARY BENNET.

I see, by reference to the estimate of the Irish revenue lately drawn up by the Lord Lieutenant and Council, that the chimney money is valued at £20,000 a year. I conceive, on closer scrutiny that it may, with good profit to the farmers, be taken at £24,000 for ten years and £30,000 for eleven more years. And finding that several persons here intend by their friends in England to solicit the King for a lease for that term of years at a lower rate, I send you this information. If you wish to apply for a lease on these terms and obtain it. I will gladly go "a third or fourth part with you and assist you in the management of it here." The profits will be small for a year or two, but, as the plantation of this kingdom increases, large profits will begin to be made.

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I cannot think what is meant by the person who has told you that my proviso in your bill will put a stop to it. It was allowed by the Council Board here at the request of all parties concerned, and [on the ground] that no man but myself and family is related to it. If any reason for that surmise was given you I should like to know it, I will either answer it, on hearing it from you, or take steps to accommodate my small affairs in a bill by itself. If he who told you gave no reason, I hope you will think that he was prompted by malice to me and not—as he would have you think—by kindness to you. "Be it what it will, I had beseech you believe that I had rather the proviso and lands too were in the bottom of the sea than that any act of mine should tend to the prejudice or be unsuitable to the profession I make of being very sincerely,

Your truly affectionate and humble servant,

KINGSTON."

P.S.—Since writing this Mr. Roberts brought me a copy of his petition and order, which was formerly signed by Secretary Nicholas and is now desired under your hand. *P.* 1. *Add. With seal.* (*Hol.*). *Endd. S.P. Ireland* 313, 223.

14 June. "From my Chamber in the *Round World*."

[————] to SIR JORDAN CROSLAND.

Having this opportunity I thought it well to send you these lines to say that "the business in Ireland is a real thing and of a certain truth though many persons may take it but as a flying tale. I am affirmed that there will be the like in Scotland and of a great consequence and more firmly carried on. Now for in and about London I can assure you that there [they] are in as high a posture as they can (except they were in a body openly). Their private committees have ordered the quantities of money for 'the Lord's work (as they call it)' the commission officers, both high and low, are nominated, and where everyone shall privily raise his party, and then where every particular party shall engage upon the design. 'Tis likely you may ask me something of Ludlow. I can assure you that he is at hand and will be ready when this horrid design is to be acted. Now for His Majesty, which indeed I should have set first—there are so many persons which are deluded that if they do destroy him they are persuaded that they shall gain the heavenly Crown of Jerusalem. This they hold out by such like Scripture as the devil used when he tempted Christ." I hope you will not slight this, but show it to the King, for the plot exists as surely as the sun shines. In the North preparations are as complete as they are here and from the West they write to the like purpose. As to London let me say what a friend of mine did to Lord Moncke just before Venner's business "that now I fear this Sunday night that some hot-spirited persons may make a disturbance." The guards should be strengthened and precautions taken against a fire at Whitehall, which is intended. If it breaks out, let the King look to himself. I am at your service. *P.* 1. *Unsigned. Add.* "To the Right Honourable Sir Jordan Crosland at his house in Holborn, between the *Griffin* and the *Bowl*." *With seal. Endd.*: "Sir Jordan Crosland." *Ibid.* 224.

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14 June. Dublin. COLONEL VERNON to SECRETARY BENNET.

I am grateful to you and the Lord Lieutenant for having mentioned my services to the King. I deserve no credit for loyalty to the King, for my parents taught it to me in my cradle and made it an accustomary virtue in me. I hope the discovery of the late conspiracy will eradicate all plots for the future. The Lord Lieutenant has taken great pains in examining most of the villains himself, only calling his trusty secretary, Sir Paul Davis, to his help, and occasionally some one of us to suggest questions to be asked. Many of them have confessed their own and their confederates' offences, and I hope he will soon be able to proceed against some of the others. Their indictments are being drawn, and on Tuesday or Wednesday the judges wait upon him to resolve how to proceed. Happily there are special statutes against conspiracy in this kingdom, but they are somewhat ancient and I wish we had new laws on the matter. I think the peace will best be kept by disbanding some of the forces and getting a smaller number from England; and I am sure that that can be done with small charges. I see no danger at present, though the troops are not trusty, because the two factions awe each other. "And I be not much mistaken in my observations of the Irish, upon this little gale of prosperity they are not so firmly riveted in loyalty but that they will be ready at any time to redeem themselves and relations from that they term oppression." There are about 70 prisoners in this city and though the "noise of Lords" be not in the number as yet, I assure you that "there are much more popular and considerable villains as to mischief" than any Lords of this nation. "My friend is yet undetected and I am endeavouring to help him to make his escape, and so order it that he may keep his credit with his old acquaintance which he hath both in England, Ireland, Scotland and Germany, whither I design him if His Majesty think fit; for no person hath a greater credit with L—— [Ludlow?] than he hath." *Pp.* 3. (*Hol.*). *Endd in* Williamson's *hand. S.P. Ireland* 313, 225.

16 June. Whitehall. The KING to the LORD LIEUTENANT for STEPHEN COPPINGER.

Directing that if the Court of Claims—before whom Coppinger has now a claim depending—find him innocent, he be restored to his estate in the city of Cork by the power vested in the King by the Declaration of Nov., 1660, for restoring innocent Papists in corporations. *P.* ½. *S.P. Dom. Signet Office V. p.* 418.

Also entry of same. *P.* 1. *S.P. Ireland* 312, *p.* 106.

After 16 June. ORDER as to search for arms in Ireland.

1. By authority dated 16 June, 1663, from the Lord Lieutenant, we are empowered to search for arms in the co. Dublin and to seize the same. We appoint you, and those whom you shall appoint, to

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search for arms on the 25th day of this instant, to search the undernamed parishes in the co. Dublin for firearms in the custody of anybody except Archbishops, Bishops, peers of the realm, privy councillors, judges and officers and soldiers now members of the King's army; and to seize on the same.

2. You are to appoint a fit person to make a note of the particulars of these arms at the time of their seizure, and of the several persons, names, surnames, qualities and residence from whom the said arms shall be taken.

3. You shall see the said arms marked so that it may be known from whom they were taken.

4. You shall bring in all the arms seized and place them in a secure place within your precinct.

5. You shall declare and publish that all persons who do not give up their arms at the time of your search shall be deemed disaffected to the King and will be proceeded against accordingly.

6. You shall carry this matter with so much secrecy as that no notice thereof be given to any whatsoever until the 25th day of this month, and that only then at the time when the service is to be performed.

7. We expect the greatest care and diligence in the matter and shall hold you responsible for any neglect. On 27th of this month at 12 o'clock you shall give us a full account of your proceedings in the matter at Col. Yarner's house at Oxmantown. *P.* 1, *with signatures torn off. Unaddressed. Endd.* "The search for arms." *S.P. Ireland* 313, 226.

17 June. COLONEL VERNON to [JOSEPH WILLIAMSON].

Thanks for yours of the ninth. I have ordered my friend to wait on you in it. Your enclosed news from Ireland was with the largest, but that part that concerned London and more remote places had the contrary fault. I was thinking to have writ you some new[s] out of London in recompense for yours of Ireland, but being [seeing] you command me to be longer in my discourse of Ireland thank yourself, if this take too much of your time. As to the print which relates the plot it is mistaken. The plotters did not intend to surprise the Great Gate, but a back gate or postern which leads into the back yard of the castle and so into Sheep Street [Ship Street]. The confederates had procured a house in the said street where they were to lodge 100 foot. And to show you what gang [?] of people they were, they had three meetings the day before at three several places to seake [?] the Lord for a blessing. At two of the congr[eg]ations the presbyters were both preachers and auditors. You may assume that the matter was wholly arranged and carried on by the Presbyterian party, and that only at the last cast some Independents were admitted. The cabal of six persons [consisted] of five presbyters and one pres[byterian] independent. We have about 70 prisoners, not above ten fanatics and the rest rigid Presbyterians. Had the whole number been known I feel

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sure that my Lord would not have let it passed [pass] so far for fear of a hazard [?]. I believe there were fully 30,000 persons in this country ready to engage upon the smallest success if the Castle had been taken. They will in many cases be brought to their trial next week, and I conceive we can get sufficient proof against all their ringleaders " having an excellent statute of 10th of Henry the VIIth. 'Tis but ten lines, but they are pithy, and make that all persons who shall design against the Lord Lieutenant, Deputy, &c., or stir up the Irishry against the Englishry, or Englishry against the Irishry, to use their own words, are [*sic*] guilty of high treason." I shall let you know at the end of the month what we have done towards settling this kingdom. It is plain that we are in danger between two rebellious people, and I, between two stools, am going to the ground. Whilst serving my Prince here my own family wants me " and you all taste the delights of England, whilst I eat Shamrocks. But he envies you not that is, Sir,

Your very affectionate friend and servant,

E. VERNON."

Pp. 2. *Badly written.* (*Hol.*). *Endd. in* Williamson's *hand. S.P. Ireland* 313, 227.

17 June. COPY of MEMORANDUM of AGREEMENT between FRANCIS SLEIGH, of Dublin, tanner, and PHILIP CARPENTER, of the same, Esq.

Sleigh covenants to give to Carpenter possession of the tower or castle commonly known as Proudfoot's Castle, within the city of Dublin, and to permit workmen to make the castle fit for His Majesty's service for keeping therein such prisoners as shall be committed to Carpenter's charge. Sleigh will complete a lease of the premises to Carpenter for 19 years from 1 May last, at the yearly rent of £30; the said lease to be perfected by advice of counsel within twenty days of the date hereof. In consideration of the lease Carpenter is to pay Sleigh £70. (*Details.*) *P.* ¾. *Endd. with date. Ibid.* 228.

Same. COPY of ORDER by the LORD LIEUTENANT to PHILIP CARPENTER, His Majesty's principal Sergeant-at-Arms.

Directing him to take a lease of Proudfoot's castle from those who have the disposing of it and to make it fit to receive such prisoners as shall be committed to his charge. *P.* ½. *Endd. Ibid.* 229.

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18 June. The Account of all the Remains of His Majesty's Stores in the particulars following within the Kingdom according to the two several remains of Aug., 1662, and 18 June, 1663, both under the charge of the Earl of Mount Alexander.

Stores.	August, 1662.	July, 1663.
Powder	1.594 barrels	1,483 barrels.
Match	2,701 bundles	1,081 bundles.
Small shot	546 barrels	2,126 firkins.
Firelock muskets	870	758 serviceable.
Matchlock muskets	6,884	6,036 ,,
Collars of bandoliers	5,311	4,474 ,,
Pikes and pikestaves	5,750	5,000 ,,
Carabines	967	847 ,,
Pistols and holsters	881	811 ,,
Swords	5,159	1,660 ,,
Saddles	653	600 ,,
Armour for horsemen, backs and breasts	330	330 ,,
Do. for footmen, backs and breasts	480	480 ,,
Trench [?] tents	511	325 ,,
Waggons	4	4 ,,
Great guns of all sorts	523 (brass 134, copper 1, iron 388)	500—only 40 sufficiently mounted.

P. 1. *Endd. S.P. Ireland* 313, 230.

19 June. Colonel Vernon to Secretary Williamson.

I am still of the opinion I expressed to Mr. Secretary [Bennet] in my last that as Parliament has provided some money for settling an army here which the country may maintain for the future, the peace of the three nations may be confirmed and secured by it. I am reproached for not having had any charge in any of the King's troops since his restoration. I am willing to be employed if Mr. Secretary thinks fit. You will hear how that most notorious villain Alden broke prison. Great efforts are being made to find him, and the constable of the castle, a very knave, turned out about him. The "roggs" are very pleased at his escape, as it is believed that he knew much of all their designs in England, Ireland, &c., "and so subtle was the knave that 'tis not imagined how he broke loose, for the window bar that he broke was upon the top of all the Castle in the highest turret." If he come to Whitehall I know you will secure him. I am now convinced that I know who were the two villains in disguise upon the scaffold when the late King was murdered, one of whom was a common hangman, who was forced and feched [? fetched] to it by a Col[onel] whom we now have in prison, and is endeavouring to save himself by impeaching others. I am now endeavouring to get leave from my

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Lord to "flower the gallows" next week. I hope that you have no trouble but being over-busy. As to Charnock, a letter with the enclosed superscription will find him out.

P.S.—I have given orders to pay you the £18 in gold I have of yours. *Pp.* 2. (*Hol.*). *Add. Endd. in* Williamson's *hand. S.P. Ireland* 313, 231.

19 June. Dublin. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

Capt. O'Kiffe of the Duke of York's regiment has sent over a letter for the Royal signature to have his claim mended. Pray give the matter despatch. I am always yours. *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 232.

20 June. The LORD LIEUTENANT to [SECRETARY BENNET].

I have yours of the 9th and 13th and the King's letter concerning the further prorogation of Parliament and the sending over of certain persons to attend him there. As, however, I am given liberty to suspend these steps and to suggest any alternative course which I think more likely to attain the ends aimed at, I send you my own views and humbly attend the King's final orders, which I shall most readily obey.

I think that Parliament may be prorogued to 21 August without disadvantage, or that—if there be any—I shall have till 12 or 13 July to think about it. But as for sending over such delegates as are mentioned, I think no durable or lasting advantage will come of it. It may allay for a time the discontent caused by the execution of the Act; "but when they find their hopes (which may be raised to an unreasonable height) disappointed, they will take their condition (after an essay of the last remedy has failed them) to be much more desperate than ever. Besides it will seem too much to countenance the unjust calumnies that have been cast upon the Commissioners when two of them shall be sent for, as it will appear, rather to justify their proceedings than to consult upon any other way of regulating them, for that (as the Act which is their rule is) they will say lies not in their power. The conclusion is that I am persuaded no good settlement will ever be brought to pass by the Act so called unless some other Act, which may be called Explanatory, but must be in effect an alteration, be superadded. And this is the opinion of all the best and soberest persons concerned, English and Irish." For these reasons I have thought of giving materials for such an Act, and put them into the hands of someone better able than myself to digest them into due form.

The scope aimed at is to provide for the Adventurers and soldiers and innocent and deserving Papists, and I am much deceived if all these interests cannot be better and "more indifferently" secured by the Act designed than by that we are now upon. My scheme will meet claims so much more rapidly and cheaply that claimants

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will find it will be worth half their pretentions to the greater part of them. I hope to be ready next week to propose the matter of such an Act to the Council here; and if they approve it I doubt not but that it will pass in Parliament if the King returns it. Then, but—as I think—not till then, it will be time to think of sending over some one or two persons able to give satisfaction to anything that may be objected against the way designed, and to support it, not as absolutely free from all exceptions, for that will not be expected in an Act of this nature, but as infinitely preferable to that now on foot. If I am mistaken in my calculations I have lost some pains and only ask that I may be pardoned on account of my good intentions, which are for the good settlement and preservation of those that have redeemed any errors they have fallen into, "who are now subjected to the casualty of testimony (for so it is here) and to the misfortune of wanting conveyances, which others more guilty and less repenting may have had the crafty providence or good fortune to have in their families."

The further prorogation of Parliament will leave Mr. Shapcot and others in his case still in our hands, and it is possible that unless some of the conspirators shall be executed we shall get further evidence as to him. If it so fall out, he is the first we shall try to make example of.

I have long represented that our army here is dangerously composed as to the inferior officers and common soldiers; and this would have been made clear had the Castle, or any other considerable places, been taken. At the same time I showed how hard it is to mend this matter here where good English are not to be had and Irish cannot be admitted without danger. If at the same time that our money comes we could have 500 foot and about 100 horse, well-mounted, to distribute into the troops and companies here, it would be a great security "and some advantage in order to plantation"; but how these troops can be conducted without some superior officers and how they shall be transported and marched to their several places, and who shall pay the expenses of doing this, I doubt I cannot resolve. I speak of sending the soldiers without any chief officers because room cannot be made for such numbers in troops and companies completely officered without removal, and consequent ruin, of many very worthy men.

The next week certain persons appointed by me (the fittest I could find) will be employed in disarming all such as are not of quality fit to be trusted with firearms; but it was not possible to send out notice to so many persons as must be employed in such a task without some notice being taken of it and many arms hidden. But I think we shall light on some, and have declared the concealment of firearms to be penal. When I shall see the success of this I will engage upon the task of changing inferior officers and of "regulareing" first this and then other Corporations.

The extent of the late conspiracy as to misprision (that, I take it, is the law word) is so great that I humbly offer to His Majesty that he would be pleased to send me directions by letter to issue a Proclamation importing His Majesty's pardon to all his subjects

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in reference to that conspiracy, except such as I find cause to be excepted. I suggest this that the King's mercy may speedily follow some marks of his justice and that the minds of the people may be freed from an apprehension that hereafter, upon any difference arising between themselves, they may be accused one by another.

One of the chief conspirators, Philip Alden, escaped, owing to the negligence of the Constable of the Castle. I believe he has gone into England, but hope to have news of him through one of my spies.

I have to thank you for the letters concerning Lord Orrery and to assure the King that both Lord Orrery's part and mine will be readily laid down when the occasions of his service require it. *Pp.* 5½. (*Hol.*). *Add. in* Sir G. Lane's *hand* "For yourself." *Endd. in* Williamson's *hand.* *S.P. Ireland* 313, 233.

20 June. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

This city is full of "distempered spirits and mad principalls." A main conspirator, named Alden, has escaped from the Castle.

The Commissioners of Claims have but a short time now left them of the period set by the provisions for the trial of innocency —some say till the end of July only—and therefore they have ordered 700 more claims to be added to their list, which is all they can determine in that time. If more time be not given by an Act of Parliament, Ireland will be at a loss. There is a rumour here that the Lord Chancellor of Ireland may be changed because of his infirmities. A Grand Jury was sworn to-day for the trial of those concerned in the last plot.

P.S.—On behalf of Mr. Sarsfield, for whom Lord St. Albans so much interceded, I ask that if Sir Theophilus Jones pass anything to Sarsfield's prejudice, you first be pleased to acquaint Lord St. Albans therewith; which, I believe, will satisfy Mr. Secretary. *Pp.* 3. (*Hol.*). *Endd. in* Williamson's *hand.* *Ibid.* 234.

20 June. ENTRY of DOCQUET of KING'S letter to the COMMISSIONERS of SETTLEMENT.

To receive Walter Lawless' claim, and to restore him on innocency to his estate in corporations. *Four lines.* *S.P. Ireland* 312, *p.* 107.

21 June. Whitehall. SAME.

Directing them to receive Clement Roche's claim, and, if he be innocent, to restore him to his estate in corporations. *Four lines.* *Ibid. p.* 108.

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21 June. Whitehall. The KING to the [LORD LIEUTENANT] for ETHELBERT, LORD BOURKE of Brittas, and others.

Lord Brittas, Christopher Russell of Setan [Seatown], co. Dublin, Christopher Archbold of Tamerlin [Timolin], co. Kildare, Dudley Coldclough [Colclough] of co. Wexford, Mathew McGainly in Athlone, Sir Luke Bathe and Patrick Sarsfield in co. Dublin, have shown us that by the death of Patricins Brien, their counsellor at law, and other reasons, they would be necessitated to amend their claims and put in fresh ones, and have asked that, as they have been found innocent, they may be allowed to enjoy their estates in any city or corporation in Ireland. You shall allow these persons, and the sons of Russell, Archbold Colclough, Bathe and Sarsfield to amend their claims and put in fresh claims. They shall, if found innocent, be restored fully to their estates in the towns of Ireland or elsewhere. *P.* ¾. *S.P. Dom. Signet Office V. p.* 402.

Latest date 23 June. LIST OF CLAIMS IN IRELAND [showing the adjudications thereon of the Commissioners of Claims].

1 June.

Peter Quynne and Peter Bath adjudged innocent Papists.
Bartholomew Russell adjudged innocent, being a minor, and restored to remainder in tail after his father's death.
Patrick Strong, innocent, but left to the law for his title.
John Fitzgerald and his wife, dismissed to articles.
Martin Supple and his uncle Gibbon innocent. His father nocent.
Fergus Farrell, dismissed to articles.

2 June.

Maurice Fitzgerald, Walter Eustace and William Deane, adjudged innocent Protestants.
George Delahide, son of Christopher, adjudged innocent.
Kathrine Woogan, same.
Edmund Missett, same and restored.
Ferdinando Curtis and others, adjudged innocent.

3 June.

Lord Gormanstown, Mary Dalton, Christopher Cruice, William Hore and his mother Alson, Ellis and Thomas Fitzgerald and Daniel McGawley were adjudged innocent.

4 June.

Oliver Ankers, Jeffry Ferrall and Mathew Dowdall, adjudged innocent.
Patrick White and John Sherlock, adjudged innocent Protestants.
Thomas Lynch Fitztephen, innocent.
Mary Clerke, Symon her son, Mary her daughter, grandchildren of Alderman Thomas Clerke, adjudged innocent.

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5 June.

Dame Martha O'Neile, the Marchioness of Antrim, and Jane Barnewell, adjudged innocent.
Thomas Browne, adjudged innocent Protestant.
Edward Plunkett and his lady and Garrett Dardis, adjudged innocent.

6 June.

Dr. Edmund Meara, innocent.
Gerrad Fitzgerald of Moyrett, nocent.
John Fitzgerald and his wife, and Symon Fitzgerald, son of Richard, son of Rowland, both nocent.
Anne, Elenor and Bridget Fitzgerald, innocent.
Sir Cæsar Cockleigh, innocent Protestant.

Whitsuntide vacation.

10 June.

William Taaffe, adjudged innocent, but left to law for his title.
Kathrine Cantwell, same, but left to same.
Mary Walsh and Samuel Byfield, adjudged innocent.
Oliver Martin, son of Richard Martin who was adjudged innocent; the ch [? children], and his mother [?] innocent.

11 June.

William Mead, adjudged innocent Protestant.
Dean of Christchurch, Gerald Fitzgerald, Thomas Ronane, Stephen Piers and his wife, and James Dillon, adjudged innocent.

12 June.

Richard Whiston and his wife under Nicholas Dormer, a nocent.
Ellis Moore, Richard Harvy, Mary Bryan, John Butler and his wife, innocent.
James Dowey, the father nocent, and claimant innocent.
Geoffrey St. Leger, dismissed himself.

13 June.

Bartholomew Lynch and his wife, Dominus [?] Richard Bourk, Richard Lloyd and his wife, Marcus Lenan and his wife, and Mary Delamere, adjudged innocent.

15 June.

Patrick Barnewell, son of Symon, son of Patrick, who were adjudged nocent, adjudged innocent.
Christopher Hussey and John Liffe [?], adjudged innocent.
Lady Dowager Fingall, postponed for Connaught.
Marian Griffits *alias* Cussins and Margaret McDaniell innocent.

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16 June.

Nicholas Meagh, nocent.
Lady Dowager of Ikerine, William Browne, Patrick Gallway, Nicholas Ronane, John Blewet, and Peter and John Martin, adjudged innocent.
James Gough, resorts to articles.

17 June.

Patrick Sarsfield, adjudged innocent, because of the King's letter. The Court would not take cognizance, but certified to the Lord Lieutenant and Council.
Patrick, Kathrine, Ellen and Kathrine Coppinger, adjudged innocent.
Mary White, dismissed, because her claim was misgrounded.
Thady Lynch and his wife adjudged innocent and restored.
John Oge Barry, adjudged innocent.

18 June.

Ulick Roch and Honora his wife, Francis Newgent, Alexander and Christopher Plunkett and Francis Eustace, adjudged innocent.
John Hollywood, adjudged innocent and restored.

19 June.

Laurence Esmond, innocent, but left to the law for his title.
Abraham Strange, Donogh Byrne, Richard Nettervill, Ellinor Cusack and Thomas Nugent of Coolamber, adjudged innocent.
James Hanley, an innocent Protestant.

20 June.

Francis Betagh, nocent.
Lord Vaux, &c., in trust for Lady Mountgarrett, adjudged innocent.
Francis Davock, Hugh King, Henry Bourke, Patrick Bermingham and his wife, and James, son of Thomas Barnewall, adjudged innocent.

22 June.

Patrick Cary and George Fitzgerald, of Tecroghan, adjudged innocent.

23 June.

Dermot Donoghvane, Alexander Plunkett, George Skyddy and Jennett his mother, Christian Skyddy *alias* Trant, Christian Skyddy *alias* Rice, and Patrick Rice, adjudged innocent.
Thomas Hay, dismissed to articles.
James Audley, an innocent Protestant.
George and Michael Wall, innocent, their father nocent.

Fp. 2. *Endd. S.P. Ireland* 313, 235.

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24 June. Dublin. SIR THOMAS CLARGES to SECRETARY BENNET.

You have so many people here who contend to serve you that I need do no more than "testify the resentment I have for your concernments." Lord Aungier consulted me yesterday on a proviso for the benefit of Lord Kingston, which had been added to your bill in England. I could give no opinion without having seen the proviso, but said *prima facie* that such a matter was too foreign to the purpose of the bill to be mixed with it. If you will write a letter to his Lordship or to any other of your friends here you will have the bill returned hence without the addition. The bills may then be compared and that one offered which will encounter least opposition (if this that is here appear, on inquiry, not to be passable). At the same time that your bill comes from England (if you approve of the course) it will be necessary for you to take care to send the Act of Marriage, wherein my Lord of Kingston is cared for. I hear it is a bill which the King and Council will very readily dispatch if they be minded of it.

The soldiers and adventurers on your lands are still making havoc of your woods. The honest Lord I last mentioned is by some pretenders to your service privately accused of having either favoured the cutting of the woods in others, or to have done it himself. This was "very scandalous and false, and I cannot tell how it should be raised except by the contiguity of his woods to yours, wherein he is making provisions of coals against the winter." He is an honest man; and it were well to move slowly in the matter of the woods lest we provoke too many. My solicitations on your behalf with the Parliament members acquainted me with much of their inclination towards you, which may be matter enough for a letter, but I shall not now take up your precious time with it; "for indeed in *this ingrateful and censorious age* the less we know of men's follies [?] may be the best.

"And if it were possible to have such a magical glass contrived as would discover to us the perfidiousness, envy and malice of all our pretended friends, it may be fitter to break it than to keep it with all those distempers and chagrins that will accompany such a curiosity." *Pp.* 2¼. (*Hol.*). *Add. Endd. S.P. Ireland* 313, 236.

24 June. JOHN DAVIES to WILLIAM GODOLPHIN.

I have yours of yesterday. The place is rightly spelt Tully, and he who had it before I bought it intended [to choose] it of all places he knew, to be Viscount of; but when he died the honour was not had [?]. The place [is] "a brave hill near several towns and one at [which] one may see into six several counties." It is well known and lies in the county of Antrim in the province of Ulster, and, if you desire to know in what barony it is, it lies in the barony of Toome. It is an eminent place. *Other private matters.* If Lord Fitzharding passes a patent in Ireland or here I will save him £300 at least, if [it's ?] in Ireland.

P.S.—When you come, please bring "the papers" with you. *Pp.* 2½. (*Hol.*). *Add. Ibid.* 237.

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24 June. List of the letters sent to Mr. Secretary Bennet for the King's signature.

A grant of a lease of New Haggard and other lands in the co. Meath to Lieutenant John Carleton (the same being his mother's jointure) for such time and rent as the Lord Lieutenant thinks fit.

A letter for the Duke of Ormond's troop to have 12*d.* a day extra pay each horseman.

A letter for Philip Creagh to enter his claim *de novo*.

Six lines, with a note (hol.) of the Lord Lieutenant desiring that Mr. Secretary Bennet return the letters signed by the King. *P.* ½. *Endd. S.P. Ireland* 313, 238.

24 June. Dublin. The Earl of Anglesey to Secretary Bennet.

Dic Talbot tells me to-day that there is some new obstruction fallen out in your business of Glanmaleere. I shall endeavour to remove this before I begin my journey towards you, which will now be within a few days, with full instructions from my Lord Lieutenant in the affairs of greatest moment. Alderman Backwell [*sic*] is seeking to have the money intended by the King for his army in Ireland returned by him, but I beg you to move the King that it be prevented. When I arrive I shall propose in that matter what is most for the King's advantage and for the good of this kingdom, and that with the concurrence of the Lord Lieutenant. *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 239.

25 June. Council Chamber, Dublin Castle. The Lord Lieutenant and Council to the Same.

On 25 May the King's letters of 21 February reached me, the Lieutenant, by the hands of Sir Robert Talbot. As they dealt with a matter of peculiar importance I at once summoned the Council; and we decided that I, the Lieutenant, have no power to grant further time for the entering of claims to such as I shall judge capable of that favour, or for mending claims as I may see cause.

The intention of the clause of *p.* 61 of the Act (which we send) is clearly to limit a time for the putting in of claims, and to bar all those who do not put them in by then, unless they receive His Majesty's special order on emergency or in consequence of accident.

The Act contains no power for amending claims, and the power given to the King by the clause concerning claims is only given to do justice in cases where, for some good reason, claims which should have been put in could not be put in in good time. There is no general power for receiving claims.

Again the power, such as it is, is in the King, and may not, we conceive, be delegated to others. And although we think that all the King's orders in these matters should go direct to the Commissioners for executing the Act, yet in case of Robert Nettervill

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and the other children of John late Viscount Nettervill—as it was judged a case of emergency by the King himself—we have given direction to the Commissioners for receiving and trying their claims.

We think the limitation of the period for restoring innocents should be strictly observed. If this is not done the people will be in a perpetual state of uncertainty about their estates. *Pp.* 1¾. *Signed by* the Lord Lieutenant, the two Archbishops, and ten other Councillors. *Add. Endd. in* Williamson's *hand. S.P. Ireland* 313, 240.

25 June. Dublin. The Lord Lieutenant to [Secretary Bennet].

I recommend Sir Arthur Forbes. His desire for a letter here you can attend to, and tell him how to procure the one which he desires for Scotland. *P.* 1. *Endd. Ibid.* 241.

25 June. Dublin Castle. Sir George Lane to the Same.

Sir Arthur Forbes knows the affairs of this country so well that I need only send you a draft of a letter recommended by his Grace. I will write to-day by the ordinary. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 242.

Same. Same to Same.

I send a letter from the Lord Lieutenant and some drafts. That concerning Colonel Clayton is not yet returned, and I beg that it may be soon sent. You will find a bill for the fee of that letter and another for one of those now sent. I try to collect these crumbs, but some have escaped me. If Mr. Williamson will send me a list I will try to collect the unpaid fees for you. "This day Colonel Edward Warren, Mr. Lackey, the Presbyterian minister, who was one of the prime engines of the conspiracy, one Captain Thompson, Captain Chambers and Mr. Alexander Jephson were arraigned at the King's Bench bar, and whilst they were arraigning there happened an unlucky accident which frightened the whole Court in so much that the Judges were disturbed and even ready to rise, as apprehending, from a musket which shot off through the carelessness of one of the guard and killed a soldier dead upon the place, that there was some design to rescue the prisoners, who were in some hope of it too, especially Mr. "Lacay," who smiled very pleasantly when he saw the disorder; but when he saw there was no redemption he quickly changed his leering countenance." These men will be tried on Wednesday and will go near to paying for their plotting in good earnest by Saturday following. I shall endeavour to get you a perfect account of their defence and, what will please you better, their sermons on the gallows, which, I must tell you, "was broken down by some of their friends, disdaining forsooth that

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these saints should suffer where the Irish rebels did." I hope those who think that this plot was manufactured by us will change their opinions. *Pp.* 2½. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 313, 243.

25 June. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON.

It is "admirable" that I should receive yours of the 21st on the 24th, and I now acknowledge it on the 25th. I am sorry that the Signet Office torments you about letters coming to me. I send you bills of exchange for such as are solvent. Many of the letters are for persons not worth threepence, and some are for the public which we reckon as *pro Rege*. If you will send a list I will try to serve you. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 244.

Same. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

Yours of the 20th came the 24th, and I answer it now so that you may see how soon a letter may come and go "if no accident intervene and if diligence be used, for the post bark came against the wind."

In deciding to proceed promptly to prosecute the conspirators I overruled the scruples of some of the Judges, and five men, of whom Sir G. Lane will send you a list, will be arraigned to-day. To-day also the search will be made for all the arms in the possession of such as are not fit to possess them, according to rules set down. The time may perhaps be inopportune in regard that upon discovery[1] of the late plot the arms designed for it may be hid, but as the disaffected still talked boldly, I held it not amiss to try what arms might be found and, at the time of the trial, to have troops stirring in all places. You shall hear the success of both trials as soon as may be.

It is a great injury [?] to the King's service that we have no able President in Connaught, but it is certainly better to have none than one who is incompetent or absent. I have no man in my mind for it, nor do I wish it abolished but in one of the cases aforesaid; and I do wish my Lord Berkeley his heart's desire. I know no man fit for it who is not otherwise provided for.

"It is evident that whilst some unconformable silenced ministers are permitted to live in the North the people will never be brought to conformity, and will always be dangerous, and it is certain that, though it cannot be judicially proved, they (the ministers) were very active in the contrivement of the late design." I think this is ground enough for ordering them all to be arrested, but what to do with them when we have got them is the question. Either they will give security and so gain the greater liberty to infect the people, or else they will provide none.

(1) The document is scarcely legible here.

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"To keep them still prisoners or to banish them the law will not allow, or if we should strain a point and ship them for their own country—Scotland—they may be as mischievous there or return to us again." I should like the King's instructions in this matter.

I have also written to Lord Fitzharding that I am sure he will believe in my friendship. If any money is being remitted here doubtless Sir Thomas Viner and Blackwell will offer to remit it. I should like to know the terms of their offer before it is accepted. The King should be saved as much as possible and "it is almost as necessary as the supply that it should come over in English money, such is the loss on foreign and such the scarcity of coin." *Pp.* 4. (*Hol.*). *S.P. Ireland* 313, 245.

26 June. Newtown. The Earl of Orrery to the King.

I am deeply grateful for your Majesty's letter of the 13th [*various fulsome expressions follow*[1]].

I also got from Secretary Bennet your grant of one-third of the lapsed moneys. This is a gift much more proportionate to the giver than to the humble receiver, but is grateful to me as coming from your Majesty. "O that your most sacred Majesty would as often give me the means to express my lively humble gratitude as you are pleased to give me causes to create it. Your Majesty would then find me much more satisfied with that than with this."

I offer an account of the affairs of this province. In deference to the Lord Lieutenant's instructions I last week reduced the troops of horse to 45, and the foot companies to 60, privates. The disbanded men went home cheerfully for the most part and offered to serve again willingly if you required. The firearms I have sent into your Majesty's stores.

The Lord Lieutenant having sent me a copy of "the accursed letter which your Majesty intercepted, written from Bristol by Ludlow the 14th of April last, I immediately went to Cork, Limerick and Youghal, out of which places I have purged all the inhabitants who I had not good grounds to believe were loyal subjects, except some Irish merchants and a few others who are traders by sea and contribute not a little to your Majesty's revenue. I have removed some companies and brought in others and have so fixed those garrisons to your sacred Majesty that if Ludlow thrives no better in his other wicked hopes than in his designs on those garrisons, I daresay the Spaniards will not have much cause to be pleased in his services.

I was very confident that Colonel Phaier, a halberdier at the horridest of murders, and his officers, would be privy to any wickedness carried on in these parts by Ludlow, and therefore I made it my endeavour to gain one Henry Browne, who formerly served under Phaier." I succeeded in doing so, "and here present you with an evidence of his conversion. The four mentioned in his

(1) For an example of these *see* Orrery's letter to Secretary Bennet (next but two).

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enclosed deposition were officers who served under Phaier." I have imprisoned all of them, and am awaiting the Lord Lieutenant's decision with regard to them. "Browne has accused them of all these particulars to their faces, and though Phaier himself was not at their meetings, yet knowing him to be a creature of Ludlow, and these officers Phaier's creatures, I have also secured Phaier in your Majesty's citadel at Limerick. What is mentioned in this deposition confirms Ludlow's having agreed with the Spaniard, as his intercepted letter imports."

I hope this information may be useful. I shall live and die in the King's service. *Pp.* 1¾. *(Hol.). Signed. Add. Endd. S.P. Ireland* 313, 246. *Enclosing—*

Copy of Deposition of Henry Brown or Browne, of Cork, gent., aged 33, *taken before the Lord President of Munster,* 25 *June,* 1663. *Being sworn, he says that,*

On a Sabbath day in the afternoon about the end of April last, deponent met Mr. Samuel Corbett, who told deponent that Captain Michael Gale wished to speak to him. Deponent was asked to meet Gale, Captain John Taylor, Paul Cudmore and Corbett at the Stone-house beyond the bridge of Carrigeline [Carrigaline], in the barony of Kirricarry [Kerricurihy], co. Cork, on the next Wednesday. Deponent went to the place appointed and met these persons, and Gale in their presence and in that of deponent used the following words:— "That by the help of the Spanish invasion he hoped their design would go on well." And that Gale desired deponent to use his utmost endeavours to gain any men he could of the fort company, by which he means (as deponent believes) the fort of Cork, and what others he could to supply them for the forwarding of their intended design. Gale promised deponent a lieutenant's place for so doing, and said further "that they would be racked to death before they would confess any of their intentions, and that if they could attain to their purposes they then would have a Commonwealth of their own religion and a free interest."

The persons above mentioned met again at the same place and had a conversation of the same kind as that above described. P. ¾. *Signed by Browne. Endd. Ibid.* 246, 1.

26 June. Dublin. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

"Whereas we have seen printed a book intituled 'A collection of some of the murthers and massacres committed on the Irish since the 23rd of October, 1641, with some observations and falsifications on a late printed abstract of murthers said to be committed by the Irish, now published by R. S., printer, for the author'; upon perusal of which book it is found to consist of false, scandalous and barbarous aspersions reflecting on the honour and government of King Charles I.: the Mayor of Dublin shall on the

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next market day after receipt of this order cause so many copies of this book as he can find and so many as may be brought to him to be publicly burnt in the market place and other public places in the city of Dublin by the common hangman. All persons having copies of the book shall bring them to a member of the Privy Council within 24 hours after the publication of this proclamation." *P.* 1¼, *with signatures and note of printing but not of sale, as the above proclamation of* 18 March [*q.v.*]. *S.P. Ireland* 309, *pp.* 121-2.

26 June. Newtown, near Limerick. The Earl of Orrery to [Secretary Bennet].

I am very grateful for your letter, and for the King's warrant. "I know not of what advantage the last may be unto me, but I am certain it cannot in degrees exceed the satisfaction I resented at those obliging expressions you have favoured me with. They have laid bonds upon me which, without flattery though they are very weighty, yet I am very proud of, nor can my sense of your civilities be greater than my ambition is not to appear unworthy of them; and though what you have done and written are obligations so far above my services as that they are above my expressions, yet really I am more covetous to serve you than to receive favours from you; for 'tis more desirable for an honest man to be grateful than to be rich."

I am grateful for the King's letter in his own hand.

I have fully tried to serve him and he has rewarded my intentions as if they were my performances.

Proceeds to relate his action in regard to the garrisons in Cork and Youghal, his examination of Browne, and arrest of certain anti-Royalist officers as set out in his letter to the King [*last but two*] *and continues*:—

I have sent to the North the two gentlemen who on May 8 last discovered to me the whole of the Dublin plot, where, they tell me, whatever mischief is designed will have its rise, but that I shall hear of all. They are men of parts and courage and much esteemed among the conspirators, who have no suspicion of them.

I have secured a copy of a letter lately "stirring among the phanaticks in the county of Tipperary," which a friend of mine saw. Those who dispersed it gave out, in aggravation of their villainy it was found in Somerset House. I have traced the person who brought it from Bristol and have secured all who ever took copies of it. It is "a most ugly libel as I have seen."

The King by his letters of 2 December, 1662, which passed Mr. John Nicholas his office, ordered that my nephew, the Earl of Roscommon, and myself should have our arrears satisfied in the forfeited houses within the city of Limerick. "This city being the most considerable in all Ireland for strength and situation" and the King having honoured me with it during my life by his letters patents I have made it my business to make it a flourishing place. "I have already got above 80 Dutch thither, who have set up considerable manufactures and trade by sea and I am daily increasing

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the numbers of those who are like to butify and enrich it." I understand there are some endeavours to get another grant from His Majesty to the prejudice of my former grant, in the prevention of which I humbly beg your favour. I expect no advantage from it myself but am anxious for the prosperity of the place of which I am Governor; and believe that end will follow from what I have done.

I shall not trouble you again except I have your pardon for this long letter and your commands to send you further news from these parts. Such commands will be gladly obeyed. *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 313, 247. *Enclosing—*

Another copy of Browne's deposition, for which see the Enclosure on p. 151 *above. P.* ½. *Endd. Ibid.* 247, 1.

27 June. Whitehall. The KING to the COMMISSIONERS of the SETTLEMENT for ROBERT NETTERVILL and others.

Directing that Robert and the other children of the late John, Viscount Nettervill, and also the late Viscount's brother Robert, be allowed to put in their claims at any time while the Commission still lasts. Their papers have been in the hands of the present Viscount, so that they have not been able to put in their claims already. *P.* ½. *S.P. Dom. Signet Office V. pp.* 403-4.

Same. SAME [to the SAME] for DANIEL O'KEIFE, of Dromagh, co. Cork.

Directing that O'Keife, who was captain in the Duke of York's regiment at Dunkirk, and served there till after the Restoration, be allowed to put in an amended claim before the Commissioners, and have judgment given him. *P.* ½. *Ibid. pp.* 404-5.

Also entry of same. *S.P. Ireland* 312, *pp.* 108-9.

Also draft of same. *P.* ½. *Undated. Endd. S.P. Ireland* 313, 248.

Same. ENTRY of the KING to the COMMISSIONERS of SETTLEMENT for FRANCIS SLINGSBY.

Francis, the son and heir apparent of Sir Henry Slingsby, of Killmoor, being a minor and under the age of twelve years, omitted to put in before you his claim for certain lands, &c., which ought to come to him before or after the death of his father. He failed to do so owing to his distance from Dublin and to his minority, and this may result in his being disinherited. You shall receive any claim put in by him or his agents on his behalf or that of his father, guardians, or feoffees for any lands, castles, &c., held by Sir Henry Slingsby on October 22, 1641, or any other persons since, under whom he derives his title, provided such claim be put in within two months from this date. *Pp.* 1¼. *S.P. Ireland* 312, *pp* 109-111.

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27 June. COLONEL VERNON to JOSEPH WILLIAMSON.

I have received yours of the 21st and add this to my last account of affairs in these parts; the rather that I find in your enclosed papers often mistakes as to this nation particularly to the army which (under the rosse [*sic*]) though it be reduced to 45 and 60 they are not all of the King's party. If I am not mistaken there is not one in ten who served the King constantly in the wars.

On Thursday last there was a general search throughout the country, and carried so secretly that it took very little light. If the rest found as considerable numbers of arms as we did in these parts we shall fill the stores. I send you a copy of the instructions I gave the searchers. Five of those who have been indicted were arraigned and pleaded not guilty. One is to be tried next Wednesday "(God speed the plow)." Their names are Lakey [Lacky or Lecky], a presby[ter], Colonel Warren, who fetched [?] the hangman to murder the late King, Colonel Warren, Captain Thompson, Deputy Marshal for Leinster; [and] Captain Chambers and Allen Jepson, two members of the Commons' House. A soldier was killed by the accidental discharge of a musket. John Fellows, who had it "mounted" was "discomposed" by the throng and his "gunne" went off. "The same day the Lord Primate died, being at a hearing before the Commissioners against Sir Aud[ley?] Mervine, who protested against the jurisdiction of the Court in that case; and many think he was not so much out in that as in his tedious speech." Lord Anglesey's journey is not to take place till the next week after this that is coming in. The shortness of the term is, I fancy, the reason no more of the rebels are prescribed. We hear you are not free from designs in England. I hope my debt to you has been paid.

P.S.—"We pray for a bachelor Primate." *Pp.* 2. (*Hol.*). *Very badly written. Add. Endd. S.P. Ireland* 313, 249.

27 June. Dublin Castle. SIR GEORGE LANE to the SAME.

I write to inform you of the death of the Primate. "He went in all appearance in good health to the Court of Claims on Thursday last where he continued a good while attending the debate of a difference between his Grace and Sir Audley Mervin till at length he fell in a sound [? swoon] and was forced to be carried out of the Court but never spake after. He lived till 3 of the clock yesterday morning and I hear his friends will carry him to be buried at Armagh. I ask your pardon for this diversion and remain" &c. *P.* 1. *Add. Endd. Ibid.* 250.

29 June. Council Chamber, Dublin. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

We cannot but call to mind that the Declaration of the Lords Justices and Council of April 30, 1662, expressed their willingness to so far indulge "those recusants, non-conformists, and

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sectaries who were misguided and did not conform to the laws of the land concerning uniformity of common prayer and service," but warned them that they must not expect a like indulgence in the future. Yet it is found that that indulgence of them has not wrought that conformity in them which so high a favour from the King deserved. The King might justly proceed with severity against those who have shown such contempt both of his law and his clemency, yet "we well know that such [is] His Majesty's abundant goodness and tenderness towards all his subjects as he wishes rather that those of them who are misguided may be won by gentleness than by the strict execution of his laws." We consider also "that we do believe that the rendering hitherto fruitless the hopes we had of their conformity proceeded rather from the seducement of others than from evil in the minds of the people themselves." We, as we desire to prevent such seducements, formerly gave orders for the preventing of unlawful assemblies and have lately ordered the removal of several ministers or pretended ministers in order that they may not continue their evil practices of seducing the people, and we hope that this step may result in the increase of conformity. We know also that an attempt was made to draw many persons into the late conspiracy for seizing the castle of Dublin, and that they declined to take part in that traitorous design. We, therefore, so as to try once more the effect of gentleness, order that no prosecutions for offences against the law of the uniformity of common prayer and service in the church be proceeded with before the Judges of Assize or Justices of the Peace for anything done in time past.

And [as] we have taken this course to prevent any punishment by authority of the temporal courts, "so we are well assured that we need not give any directions to the Archbishops or Bishops [or] to the Spiritual Courts in regard we are well satisfied that such is the piety and moderation of the Archbishops and Bishops that they are willing and ready without looking back into the former errors of any of the people to receive and embrace into the bosom of the Church all such as shall desire to conform themselves."

We do further declare that after the 24th day of December next, no person or persons are to expect the like indulgence, but that thereafter the Judges and Justices shall strictly put the law into execution, provided that this indulgence extend not to any minister or pretended minister who goes about the country endeavouring to dissuade persons from conforming. Sheriffs and Justices to take notice of this order. *Pp.* 2½, *with signatures and note, as the Proclamation of* 18 March *above, q.v. S.P. Ireland* 309, *pp.* 123-5.

June, Whitehall. WARRANT to the SOLICITOR-GENERAL.

To insert a clause in the bill lately transmitted from Ireland (for confirmation of marriages) in behalf of Colonel Daniel O'Brien, grandchild of Viscount O'Brien and Clare, and in behalf of

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Colonel Daniel O'Siliven Beare, of Bearehaven, for restoring the said Daniel O'Brien and Daniel O'Siliven to all their lands, houses and others whatsoever as well within cities, walled towns, &c., as without them in Ireland whereof they were seized or possessed on 22 October, 1641. All needful beneficial clauses to be inserted. *P.* ⅔. *Endd. S.P. Ireland* 313, 251.

June. [?] WILLIAM ROSS to JOSEPH WILLIAMSON.

Sends a letter which the Lord of St. Albans has to-day asked Secretary Bennet, as a favour to him, to despatch. *Four lines. Signed. Add. Ibid.* 252 *ad fin.*

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1 July. Dublin Castle. ORDER by the LORD LIEUTENANT.

Proroguing the Parliament, which stands prorogued to 21 July next, to 25 August next. *P.* ½, *with signature (not hol.) of the* Lord Lieutenant *and note of printing (but not of sale), as the proclamation of* 18 March *above q.v. S.P. Ireland* 309, *p.* 126.

1 July. Dublin. COLONEL GRACE to SECRETARY BENNET.

I am now become a suitor to you on behalf of a couple of infants, cousins german of my own, their fathers having died in the King's service under my command, the one beyond seas, the other here. When I came here I found one of these poor things keeping calves, the other in no better condition, and "then being necessitated to take them up and put them to school to know something (they who had their estates having not the charity to do so much for them as to put them to school, whereby they might have known so much as the Lord's prayer)." I give you this trouble as well for charity to the orphans as for old friendship to myself, to pray His Majesty's letter to the Commissioners whereby they may have the benefit of such writings and conveyances as they have. For when I came hither I found nobody to own them and as everybody had to put in his claim by a certain day, and I did not know what else to do, I put in their claim as best I could, though now I hear it is much to their prejudice. I beg for a letter to the Commissioners from the King similar to enclosed. *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 314, 1. *Enclosing—*

Draft of the King to the Commissioners of Settlement for William Moony and Daniel Caroll.

Moony and Caroll have petitioned showing that they have been and yet are under age. They did not know about their titles, and Moony

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has been dismissed [by the Commissioners of Settlement] for the nocency of his father, John Moony, by descent from whom, in the absence of his evidences, he had to make his title. Daniel Carroll had not the deeds which he should have and had to claim by descent. Both have good deeds conferring their estates on them. Both their fathers died when serving us under Colonel Richard Grace. You shall allow them both to put in fresh claims, and give them a speedy and favourable hearing. P. ½. S.P. Ireland 314, 1, 1.

1 July. COLONEL VERNON to [JOSEPH WILLIAMSON].

This day Lakey, Thompson, and Jepson were brought to the bar where, the indictment being read as to Lakey, the Presbyterian priest, and the jury sworn who were all able discreet persons of good estates [and] Sir John Percival, the foreman, Mr. Attorney and the Solicitor, in two discourses, showed the practices in all ages both by the mosaical law, the Saxon, Norman, and our more modern laws, how conspirators against Princes were most severely punished. About six witnesses were then called, Colonel Scott, Captain Sanford and persons engaged with them to prove the generality of the design, both in Ireland, England and Scotland; how the[y] intended to march through Scotland with this English army whom they thought their own, that 20,000 Scots in the north of Ireland would keep the Irish employ[ed] whilst the English invaded England with what party they could raise in Scotland; that the last little plot was real though the[y] executed none, that it was a covenant design and driven on by the pretended clergy of that gang, many of which met in periwigs the day before the design to ask a blessing on it, with much more to this effect. Also he called about eight witnesses, particularly against Lakey, who proved all the charge against him. Most of these were persons engaged by himself. Amongst the evidence there was a most handsome woman, who with a very great soberness and more prudence than usual in that sex informed the Court that she was with Mrs. Lakey, who was newly brought to bed near Dunboyne in Meath, when the troopers came to search for her husband and that Mrs. Lakey expressed great fear that the attack on Dublin Castle had been discovered, "but afterwards she was much cheered with a belief that though her husband were taken and condemned yet his pardon would be obtained by two persons were bold, and so much concerned for him that they would not be denied, *viz*, Sir Audley Mervin and Lord Massereene."

"The declaration written by one of the conspirators' own hand is proved to be his hand that writt it." I send you a copy. "The Presbytery had a very shrood day of it, and their covenant was much discoursed of by the counsel, judges and evidence." The prisoner Lakey in his defence would not admit the truth of the whole of the charge, but put himself upon the law [?] and was not free to say or answer more, though yesterday this night and this morning when his "Presbyt" friend Bishop North [?] was with

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him, "he feigned himself mad and cried out 'the Divell was with him' and what would they do if he should confess the whole plot and screamed out as if he had been really mad." But, at the bar, his Presbyterian spirit was very calm and he said little beyond what I have reported, only to his fellow prisoners that he should be dumb so soon as the indictment was read. The rest are put off till to-morrow, the jury having found Lakey guilty. *Pp.* 2. (*Hol.*). *S.P. Ireland* 314, 2.

2 July. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for GARRET FOX.

In exercise of the power reserved to us to restore such innocent Papists as have been dispossessed of their lands in corporate towns in Ireland for public security, we order that Garret Fox, of Moy-voyr [Moyvore], co. Westmeath, who is already adjudged innocent by you shall be restored to his lands in the corporation of Dublin and elsewhere in corporate towns in Ireland, whereof he was possessed on 22 October, 1641. *P.* ½. *S.P. Dom. Signet Office V. p.* 413.

Also entry of same. *S.P. Ireland* 312, *p.* 115, and notes of same. *Ibid. p.* 118.

Same. SAME to [SAME] for LUKE, son of LAURENCE DOWDALL, of Athlumney, co. Meath.

Directing that his claim, in which his title was wrongly set forth, be allowed to be withdrawn, and that he be permitted to put in such another as is suitable to the justice of his cause and title. The error was owing to his absence from Ireland and to the fact that those who put in his claim did not know his writings. *P.* ⅔. *S.P. Dom. Signet Office V. pp.* 413-414.

Also entry of same. *S.P. Ireland* 312, *p.* 116, *and* note of same, *Ibid. p.* 118.

Also draft of similar letter for same. *P.* ½. *Undated. S.P. Ireland* 314, 3.

Same. SAME to [SAME] for PHILIP HORE and others.

Philip Hore and Cathrine, his wife, Bridget Mary and George Hore and the other grandchildren of Philip Hore, deceased, Richard Chivers of Killean, and Patrick Moore, of Dannstown [Deanestown?] in Ireland, have informed us that they could not enter their claims to their respective interests within the time limited for entry of claims in Ireland as their writings were in the hands of persons who are and have been since the sitting of the Court of Claims absent from Ireland. You shall permit all the aforesaid persons to amend their claims or put in new claims at such time as they shall be prepared to do so during the sitting of the Court. Such of them as are

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proved innocent shall be restored to their possessions in any city, walled town or corporation in Ireland, as a special mark of our grace and favour. *P.* ¾. *S.P. Dom. Signet Office V. p.* 417.

Also draft of similar letter. *Pp.* 1¾. *Endd. S.P. Ireland* 314, 4.

2 July. Whitehall. The KING to the LORD LIEUTENANT for SIR ARTHUR FORBES.

By our letters under the great seal of Ireland of 27 July, 1661,[1] we granted to Sir Arthur Forbes in reward for his loyalty and in payment of certain arrears, the houses, lands, commons, &c., in the town and liberty of Mullingar. Afterwards, by a special provision in the Act of Settlement, the said town of Mullingar with all the houses, castles, &c., belonging thereto were settled for ever on Sir Arthur and his heirs. It is amongst other things enacted that all of the Popish religion who have been dispossessed of their estates in any corporation for public security shall be forthwith reprized in forfeited lands, to the full value and purchase of such lands, near the said corporation; with the proviso that innocent Papists within the said corporations may be restored as other innocent Papists are. By a particular clause in the grant to Sir Arthur Forbes we provided that if any Papists had any just right to any of the houses, &c., as granted to Sir Arthur, such Papists should be reprized for the same, or any part thereof, out of forfeited lands near the said town. In pursuance of all which, and that the favours granted by us to Sir Arthur may not be ineffectual and that he may receive just satisfaction for his arrears, we order you to make a grant releasing to him all such power as is reserved to us by the said Act to restore innocent Papists to their estates within the respective corporations, the said release to extend no further than to the houses, lands, &c., in the town and commons of Mullingar granted by us to Sir Arthur as aforesaid. You shall by aid of our learned counsel insert all proper clauses *non obstantes*, &c., and a direction to the Commissioners of Claims not to restore any of the innocent Papists in violation of this proviso, notwithstanding any such proprietors have obtained, or may hereafter obtain, our letters for restitution; but such persons shall be reprized in lands contiguous thereto. Clauses for execution. *Pp.* 3. *S.P. Dom. Signet Office V. pp.* 406-409.

Also entry of same. *S.P. Ireland* 312, *pp.* 111-114.

[About 3 July.] SAME to SAME for SIR JOHN CARLETON.

We are told that Mary Carleton, widow, was possessed of the towns and lands of New Haggard, Beaumount and Great Hilton in the barony of Duleek, and co. Meath in Ireland, as her jointure and enjoyed the same for many years till expelled by the late usurper,

[1] See the grant of 25 May. 1661, *in Calendar of S P. Ireland*, 1660-62, *p.* 340.

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but that her son, Lieutenant John Carleton, recovered the lands for her in the Court of Claims, though at such great expense that he is not likely to be able to pay it out of the profits of the said lands during the life of his mother, who is old and infirm. You shall grant to Lieutenant Carleton, who was and is in our service, a lease of all the towns and lands aforesaid, which come to us after the death of Mary Carleton at such rent and for such term as you think fit. The grant to contain beneficial clauses. *P.* 1. *Undated, but underwritten,* Ent. 3 July. *S.P. Dom. Signet Office V. pp.* 409-410.

[About 3 July.] The KING to the COMMISSIONERS of SETTLEMENT for PHILIP CRAGH.

Cragh petitions showing that, owing to living at a great distance from Dublin, he was not able to be present there when his claim, which is now depending before you, was heard. Having entrusted others with his case, they conceded that at the beginning of the rebellion Cragh's father was living and in possession of the estate claimed. As the father was dead long before that date and had left petitioner, his heir, about a year old, you shall proceed to the decision of his claim to be exhibited *de novo,* and his former claim shall be withdrawn. *P.* ⅔. *Underwritten as foregoing. Ibid. pp.* 410-411.

Also note of same. *S.P. Ireland* 312, *p.* 118.

[Same.] SAME to the LORD LIEUTENANT concerning his troops.

As we are informed that your troop performs "extraordinary duty and attendance" and is constantly in Dublin at greater charge than other troops, we direct that 12*d.* daily be added to the pay of each trooper from 27 June, 1663. This charge to be entered in the martial establishment. *P.* ½. *Underwritten as foregoing. S.P. Dom. Signet Office V. pp.* 411.

Also note of same. *S.P. Ireland* 312, *p.* 118.

[About 4 July.] The KING to the [COMMISSIONERS of SETTLEMENT] concerning ROBERT HARTPOLE'S claims.

Robert, son and heir of William Hartpole, of Shrule, Queen's Co., being a minor of about 13 years, had his writings entrusted to some persons who did not till lately make the same known to him. Consequently neither Robert nor his guardian put in his claims "to the Court of Claims holden before you" for any lands, &c., which he might have claimed, but his title thereto has been mistaken, whereby he is likely to be ruined. You shall receive and try any claim by Robert or his mother, Martha, either in their own names or those of their feoffees for any lands, manors, &c., which

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now of right belong to them or which were on 22 October, 1641, in the possession of any person from whom they claim title, notwithstanding the prefixed time for putting in of claims be elapsed. *P.* 1. *Underwritten.* "Ent. 4 July." *S.P. Dom. Signet Office V p.* 412.

Also note of same. *S.P. Ireland* 312, *p.* 118.

4 July. CHARLES WHELER to WM. GODOLPHIN, Secretary to SECRETARY BENNET.

I believe Mr. John Povey is recommended by the Lord Lieutenant to the King to be puny Baron of the Exchequer, but there may be others as well as he; so please oblige me by furthering his preferment as much as you can. I assure you he is as worthy a gentleman as any in his profession. He has to my knowledge been a loyal subject this twenty-five years, and a true son of the Church. "He is a very good lawyer, most conscientious and laborious and has rid many circuits as judge upon several occasions that some of the judges have been sick or otherwise hindered." He will always be your faithful servant as I am. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 4.

ENTRY of PETITION of EDWARD ROBERTS.

States that he was appointed by the usurpers auditor of the army in Ireland, and, in order to preserve the records of "His Majesty's" revenue, built a strong brick house on the King's land. This house cost £400 and is now delivered to Sir James Ware, the Auditor-General. Petitioner prays that he may have satisfaction therefor, part of which may be given him by remission of certain rents which he owes to the King for land held from the late usurpers.

4 July. Whitehall. The King directs reference to the Lord Lieutenant of Ireland. *P.* ⅔. *S.P. Dom. Entry Books XIII. pp.* 317-8.

8 July. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I have had gout and been unwilling to write. The new Act on the good "composeure" and passage of which our settlement depends, is being much obstructed by those who will be finally concluded by it. I cannot say how soon it will be ready to go over, but this Parliament is prorogued only to the last of September, in the hope that by that time it may be returned to us with the necessary approbation there. I shall do my best to have it sent.

The Commissioners are so fully persuaded that they cannot act under the present act after 22 August next, that three of them—namely Beverly, Raynsford and Brodrick—ask the King's leave to go to England to look after their private affairs until some Act is returned which will enable them to proceed. I know of no essential harm in giving them leave if they continue to be of opinion that

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they cannot proceed here. Yet I am not sure but what their going over may be thought to be an absolute giving over of the thought to settle men in their estates, and that those will then get credit who would persuade them that there is an idea of utterly defeating [? defeasing] them of them. The best thing to do is to send me the letters of permission with leave to keep them or deliver them up as I shall think best for the King's service.

I have, according to the King's instructions recently sent me, disposed the factious ministers in various prisons; but I have allowed that bonds shall be accepted from those who will voluntarily give them and oblige themselves and their sureties that they will depart the kingdom and not return to it without leave first obtained of the Chief Governor for the time being.

If this is done in England and Scotland also they will at last think well to leave the King's dominions. If my action is not approved I must ask the King's pardon to which I would rather resort than permit such fellows to stay and plot here.

I send you a copy of the order by which arms are to be restored to those who are fit to be entrusted with them.

I do not know what objections will be taken to these two extraordinary actions when Parliament meets; but if they should be very high I suppose I may consider the power of dissolving Parliament which was given me for another occasion to be still in my hands; yet I should like the King's confirmation. The horse and foot for our troops and companies would assist us greatly now if brought hither without cost to us, and if we could be sure that the King's revenue would not, by the prohibition of transporting Irish cattle, be so depreciated as to prevent us from being able to pay them. Should this happen these new men, "unacquainted with the hardness and shifts of this country," will be destroyed, and the service here so discredited that it would be hard ever to get men over afterwards. If the charge of the men till they land here be answered, and those that offer for our Customs and Excise go through with their bargain, I will upon notice from you send officers to conduct the men. Care will be taken that the best use be made of Mr. Granger's secret when we have it, but it may come too late if we have not some knowledge of the nature and virtue [?] of it before the new Act shall be presented.

Please present my humble acknowledgments to the King for his favour to my son John. He is young enough to stay for the effects of it, till an opportunity arrives, and, I hope, to live to serve him honestly.

P.S.—We are now proceeding with some more of the conspirators by special commission. When it is in force we may find out something more—especially of their correspondences in England and Scotland. *Pp.* 4½. (*Hol.*). *Add.* (*in* Lane's *hand*) "For Yrself." *Endd. in* Williamson's *hand.* *S.P. Ireland* 314, 5.

8 July. Dublin Castle

Sir George Lane to Secretary Bennet,

I have, by your direction, received from Mr. Williamson an account of the sums paid by the usurpers to the forces sent into this

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kingdom in 1649, and have delivered it to the Lord Lieutenant from whom you will forthwith receive a letter. I have now to tell you that though Mr. Philip Hore, notwithstanding all his efforts on your side, failed to attain his ends at Court to my prejudice in your office, he succeeded with the other Secretary in obtaining a letter which will be a very great prejudice if I be not relieved by the King's favour. I am confident of your favour in this and as I would not trouble you with the details, I have sent them to Lord Anglesey, who has been formerly fully acquainted with them, to be represented to your favour. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 6.

8 July. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I thank you for sending a copy of the letter I desired, for your promise to favour Mr. Sarsfield for my sake, for sending me your diurnal and for acknowledging my letters, "which I can assure you is more than I have obtained from any other of our family since my being in Ireland." I am sorry that Mr. Godolphin is dead.

I have been away for 16 days in the country; so know no news but that Parliament does not sit here till August 24th, that Thompson, Jepson and Warren were yesterday sentenced to be hanged, drawn and quartered as traitors, but Lackey, having turned mad within two days (or feigned himself so) was brought to the bar but escaped sentence, "the law being not able to take hold of a madman; and so was carried cross a cart back to his prison again." Some people pity their cases here, but not I.

P.S.—"It's no strange thing to me to hear the Spaniards can be beaten now and then for they are used to it; but I am heartily sorry it was my poor cousin's hard luck to fall at their hands—I mean Colonel Dongan." *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 7.

Same. PATRICK ARCHER to the SAME.

After long attendance in this Court and much expenditure I brought my principal due of the King to be secured by patents on the Treasury for me and my heirs with the £205 a year till I be paid off my principal. My cousin Bryan (my counsel) advised, the former assurance being past and settled, that I should present His Majesty the enclosed petition as sent to my bedfellow, the which she will show you, or a copy before it be presented (at least the "pray," or what is requisite therein). For the preamble of what was formerly past, you know yourself already my cousin Bryan (of happy memory) took care to draw the petition before his death to be put in a speedy way of payment of the principal, that I might be allowed the full interest according to the law for monies in Ireland. For, to speak plainly, £205 is not above one-third of the interest, nor is it . . . enough for me to live on with my great expenses. I have also written the enclosed letter to Sir Harry Bennet which my wife will show you, and set down in the petition

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the full discourse of my business; that he may be the better informed and acquainted with it. I should like Sir Harry, after persual of my petition, to reduce it to briefer form before presenting it to the King, to whom my condition is already well known. I have written to my friend, Sir Anthony de Merces, to solicit in my business until I come over myself, and assist the ordering of the petition and solicit it effectually on my behalf with a speedy despatch. Pray take care of the matter till I come over, which I mean to do on the last of next month. *P.* 1. *Signed. Add. Endd. S.P. Ireland* 314, 8.

8 July. ENTRY of the KING to the COMMISSIONERS of SETTLEMENT for THOMAS WYSE, of London, merchant.

Wyse lived long in foreign parts and was a stranger to the estate to which he pretends in Ireland, and to the writings necessary to make good his title to it. You shall allow him to withdraw his claim and put in a fresh one, in regard we find him "by the testimony of divers merchants of London to be a factor residing in that city whose business keeps him there." You shall hear his claim speedily. *P.* 1. *S.P. Ireland* 312, *p.* 119.

Same. Note of Same for Henry Rochfort.

Directing that he be allowed to amend his claim or to put in a new one. *Three lines. Ibid. p.* 120.

Same. ENTRY of SAME to SAME for MARCUS BELLING.

The petition of Belling, heir and executor of Walter Belling, shows that Walter was entrusted as feoffee or donee of the lands of Riverston and other lands in Meath to raise £120 a year for a jointure for Jane, the wife of Andrew Dillon, of Riverston aforesaid, to raise portions of £500 for his four daughters. Marcus did not know of these "conveyances and articles" by which these portions and jointure were settled when he put in his claim, and asks leave to amend it accordingly. You shall allow him or his attorney to do so during the sitting of the Court and to prosecute such claim. *P.* 1. *Ibid. pp.* 120-121.

10 July. NOTE of a recommendation by the King of the Marquis of Antrim to the Lord Lieutenant of Ireland entered at the Signet Office. *Three lines. Ibid. p.* 121.

10 July. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

The wind has been in the East since I received your last. I have had "an extraordinary indisposition of the spleene," which has prevented me from catching the ordinary post.

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The supply which the King suggests for this his kingdom is the more advantageous in that it is to come in ready English money. I shall try to make the best and thriftiest use of it. The only thing needful is to give it to Mr. Robert Viner, who is to bring it to Chester, where the "yaght" and the other frigate attending her shall be ready to transport it. The Duke of Albemarle is the best judge of what convoy may be necessary for it by land. Viner is deputy to Lord Anglesey, by whose advice I write this.

We have made some progress in the bill which will be offered to His Majesty for the better and more speedy settlement of this kingdom.

It has been twice considered at a Board from which no councillor was absent, and is now referred to the judges who are councillors. "The worst issue I can apprehend of it will be more agreeable to His Majesty's intentions of honour and justice than the best that can be expected from the Act now in execution, for whether they shall be many or few of the Irish that shall be saved by this new Act, they will be of such as have most redeemed their first failings by their active and constant endeavours to bring the nation to be obedient and useful to the King. The greatest fear of miscarriage in this expedient will be from private and unwarrantable contracts betwixt proprietors and some that may make them believe they can help them to a place in this Act. This scandalous traffic I shall endeavour to discountenance and prevent on this side, and do hope there will be no room left for it there; since His Majesty may well defend himself from importunities of that nature upon the certain obstruction they would bring upon the work if they should prevail; and upon this resolution to repose upon the representation he shall have from hence where the qualification of persons must be best, if not only certainly, known." I urge this upon the King because I have good reason to think that the practice to which I refer will be attempted.

In my last concerning the sending over of 1,500 foot and 700 horse you may remember the doubts expressed as to the charge of bringing them over. If they can be brought hither without diminishing the £60,000 I shall continue to desire them; otherwise not. If we do not receive the whole of that money, there will be great disappointment. If this doubt be cleared I shall then immediately send over one horse and two foot officers and receive all the necessary orders for their transportation.

We receive daily accounts of arms brought in by my orders. Our work is now to determine to whom restitution should be made and to whom not. A Proclamation such as I proposed is being drafted and will be sent by the next post unless an Act of Indemnity and Oblivion shall be ready to be shortly transmitted, which will secure the subject against punishment as well for the late conspiracy as for other crimes.

I do not remember that in any letter of mine I have called for an answer to any part of mine to the King by Sir Francis Butler. I think I told you in my last that I rather hoped for a pardon for the liberty I took than presumed to expect an answer.

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If Giby Carr's [?] testimonials be authentic let me say that they are here much in the wrong that will swear they saw him in the North about the 23rd of May, two days after the plot was to have been executed. He should come here, where he will be heard if he has a fair defence.

Lord Anglesey, Sir Nicholas Armorer and Ned Vernon will all go hence the next week. I reserve myself to say much more by some of these. *Pp.* 5. *(Hol.). Endd. S.P. Ireland* 314, 9.

10 July. Dublin. The Earl of Cork to Richard Graham.

"Honest Dick,"

This afternoon I got an alarm that I having not entered a claim for my whole estate in the Court of Claims there may "some of trouble" arise, and I may not be admitted to enter a claim unless I have the King's letter for it. For the procuring of this I have now writ to my sister Ranaleugh, to whom I would have you immediately repair and to pursue this business with all possible diligence. Letters of this kind are daily got, and I pray mine may be dispatched at once, as the period for entering and determining claims for innocency closes on 23 August. *P.* ½. *Signed. Add.:* "To Mr. Richard Graham at his chamber in Clifford's Inn, or at his house in Fetter Lane, near the *Red Hart*, near Fleet Street. *Endd. Ibid.* 10.

About 11 July. Whitehall. The King to the Lord Lieutenant for Cormack O'Neile.

We hereby recall our letters dated 4 June last in favour of Rose, Marchioness of Antrim, and of her pretences to the remainder of the estate settled by Sir Henry O'Neile, her father, upon Art Oge O'Neile his brother, and the heirs male of his body after the death of the Marchioness without issue, and of her claims to the forfeiture of several tenants holding of the estate of the said lady settled on her by her father in Antrim or elsewhere in Ireland. These letters were written without full knowledge of the circumstances, as we did not know that as well the estate so limited to Art Oge and the forfeitures of the tenants were in us, as escheated unto us, and did not in any sort belong to Lady Antrim. The remainder of the estate of Sir Henry O'Neile and the forfeited estates of the freeholders and other tenants holding the same shall be granted to Cormack O'Neile, son and heir apparent of Art Oge O'Neile and the heirs males of his body, according to our letters dated 8 July, 1662, and directed to you in that behalf, on the terms as to rent and services which you think right. *P.* ¾. *S.P. Dom. Signet Office V. pp.* 419-20.

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 121.

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11 July. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

You will see by the enclosed letter of Lord Santry that Jepson Thomson and Warren are to suffer death. Lackey, as you will see, is stark mad and is therefore reprieved, though he should recover his wits, until the next term, because till then death cannot be pronounced upon him. "I am taking care that all the proceedings upon the trial of these men be collected carefully for the Press, that the world may see the horridness of this wicked plot, and when it's printed I shall transmit several of them to you to be dispersed on that side."

I have given Mr. Lye a small bill to-day for the fee of Lady Tynt's letter.

P.S.—There are several letters remaining unreturned whereof we hope that that for Colonel Clayton will come to us by the first. I am commanded by my Lord to send you the following commission for Mr. Henry Sydenham, as Deputy-Lieutenant of Somerset. If the King approve it, it should be sent him. *Pp.* 2. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 314, 11.

11 July. Dublin ROBERT LYE to "MR." WILLIAMSON.

I send a petition in behalf of a Mr. Christopher Cusack and his child, asking the King for a letter to the Commissioners here to amend his claim. I beseech you to procure and send it as soon as possible, as the time for trial of innocency is nearly expired. If the letter is not here by the end of the month it will be too late. I will desire Mr. Godolphin to deliver you £8, viz., Mr. Secretary £5, £2 for yourself, and £1 for the signet.

The sum sent is what I intend all shall pay who have letters sent from thence by my way. I pray let the same have words enough, for you know my countrymen love it, and if the words in the enclosed paper may be added let them, for I have seen "em̃" in other letters in such a case as this.

I send also a similar petition from one Mr. Henry Rotchfort desiring such another letter, but believe he may be about to have one taken out, or have it already out, by some friend of his own; or else he is in a list wherein several persons who have served the King are concerned and which was sent over by the Lord Lieutenant. If you find that nothing is done for him pray let him have a letter on the same score as Cusack.

P.S. (1)—I hear that Mr. Lackey, who escaped sentence, has saved the judge and executioner by knocking out his own brains in prison.

P.S. (2)—I have seen Sir George Lane since I wrote this and he gave me the enclosed bill of exchange for £10. Some things were said concerning the fees here and particularly those due as you mention in one of my letters to him to the Signet Office, to which his answer is that you know he sends sometimes £10 and £20 for one letter, sometimes less, which is all he can get for them,

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that he never kept any account of it, or how it is to be divided there, but that if you will send him a note of the bills sent by him and that he finds the division falls short, he will make it up. In the next place he desires a favour of you particularly and it is that you will obtain the favour of Mr. Secretary for him in his case against one Mr. Philip Hore (in whose estate he is concerned) as [*i.e.* which] Colonel Vernon has obtained; that is to say some items of Hore's proceeding that he may defend himself. I do not write this time to my dear friend your brother because I do not know whether he is dead or alive. *In all, pp.* 4. (*Hol.*). *S.P. Ireland* 314, 12.

11 July. Dublin. ROBERT LYE to SECRETARY BENNET.

Mr. Patrick Archer had a buinese [business] of his own in the hands of his kinsman Patrick Brein [*sic*], who when he lived, as I am told, intended to recommend it to you. I acquaint you with this at the request of Mr. Archer, who intends to make his application to you. *P.* 1½. (*Hol.*). *Add. Enclosing*—

Petition of Patrick Archer to the King, showing that:—

Petitioner "ever since he attained to an age capable to act did apply his utmost power and industry and stock" in support of the Royal cause. He in 1644 *took upon him the shipping and transporting of the forces sent by the Duke of Ormond from Ireland to Scotland. This cost him* £4,000, *and, as the Lord Lieutenant knows, he has spent since many sums in obeying orders from the King or the Lord Lieutenant.*

Petitioner quitted his interest in Ireland and followed the King's fortunes abroad, "acting in the quality of your merchant," doing many services to his servants and forces, as by his commission to that purpose may appear. In 1656 *when there was very little hope of his Majesty's speedy restitution, "your petitioner was so confident that God would not forsake so just a Prince," that he gave up the bonds and assurances he had for his payment and contented himself with the King's warrants of* 1656 *and* 1657, *directing that, as soon as he came into the possession of this kingdom, the sum due to petitioner of* £6,294 *odd, with* £205 *a year till payment thereof, should be placed on the customs of Waterford and Ross as by the said warrants may appear. By the King's letters of* 8 *July,* 1660, *to the Lords Justices of Ireland this grant was reinforced. His present debt is the* £6,294 *and* £1,435 *for arrears of the annual payment. Patents were accordingly passed by the Duke of Ormond for granting him the* £205 *a year. This sum, however, is not one-third of the interest on the sum due to him and he has never had any of it except a special grant of* £600 *which was wholly paid away to meet the debts which petitioner has contracted by living in London these three years past.*

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He prays that the debt, with interest at 10 *per cent.* "*according to the law of Ireland*," *be placed and paid in three years, the annual payment decreasing as the capital is paid on the customs of Ross and Waterford. He will then be able to live as becomes his quality in relation to his former trusts and employments as a member of the King's household* "*and his merchant by commission.*" *He wishes to be freed from the expense of litigation which must swallow up a great part of whatever he receives. P.* 1. *S.P. Ireland* 314, 18, 1.

11 July. Dublin. J. Bagott to Sir Nicholas Armorer.

Sending a draft letter to the Commissioners of Settlement and asking that it may be returned by the end of this month. *P.* ½. *Add. Endd. Ibid.* 14.

Same. List of Letters sent on this date to the King for his signature.

Letter to the Commissioners of Settlement directing that the persons in the enclosed list may put in their claims on proof of their allegations.

Letter to the Lord Lieutenant for £20 a year each to the Earl of Inchiquin and Earl of Mount Alexander to be inserted in the establishment. *P.* ½, *wth note in the* Lord Lieutenant's *hand, desiring that these letters be returned signed. Signed. Endd. Ibid.* 15.

Entry of Petition of Morogh, Earl of Inchiquin.

The King granted petitioner with Viscount Dillon a pension of £1,000 before his departure for Portugal, in lieu of his Presidency of Munster. He could not "finish it" before departing, and it was not given for any fixed time. Desires that he may have letters patents for the pension.

11 July. Whitehall. The King directs reference to the Lord Treasurer. He shall advise what should reasonably be allowed to the petitioner for quitting his pretensions in proportion to the allowance made to Viscount Dillon in lieu of the Presidency of Connaught; and how such allowance shall be paid. The King will then declare his pleasure. *P.* 1. *S.P. Dom. Entry Books XIII. p.* 323.

14 July [Draft of] the Lord Lieutenant to the King.

Recommending Ned Vernon, who was mainly instrumental in discovering the late plot. He has on all occasions served the King well. *P.* ½. (*Hol.*). *Endd. S.P. Ireland* 314, 16.

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14 July. Dublin. COLONEL VERNON to [JOSEPH WILLIAMSON].

I am just going on shipboard and forbear to trouble Mr. Secretary as I shall soon wait on him. With regard to those who endeavour to put in new claims let me tell you something of them which may persuade you and Mr. Secretary to continue your great kindness to me. James Almer [Aylmer] and Jane, his wife pretended, and, by that pretence of innocency, obtained leave from the King to reverse the outlawry against her father, George King. How true their allegations were the enclosed will speak, but they put in their claim by virtue of a settlement of King's, which claim is yet extant in the office; but finding King's villany found out, the[y] know that deed will not serve their turn, so they join themselves with Scerlocke of Recreadon [Rathcredan], which place is now in Mr. Richard Talbot's hands as a rebel's estate "so that at Clontarf he must be an innocent, at Rathcredan, for the Duke and Mr. Talbot, a rebel." As to Mrs. Kathrine King she is a professed nun, but if I were not confident it's only a forged deed they pretend to (against which there is no fear) I would in part grant their desires to have their claim put in, if every day's experience produced not forged deeds from the Irish. I do not know whether the King has power when all the parties were constantly within five miles of Dublin and not beyond sea, and in that case the King would do me as much injustice as the other side complain of if these people were adjudged innocent without those who oppose their claim being heard. At any rate the letters should be no more than a permission to put in a claim if the Lord Lieutenant and Council shall please [?].

To-morrow the three who have been condemned are to be hanged.

P.S.—As an additional proof of forgery, I can show that the estate has for four descents gone contrary to the pretended deed in the petition, that the parties have already offered £40 to corrupt the Register and Attorney of the Court, and have agreed with an Earl of your and Mr. Secretary's acquaintance for a sum of money to get the estate from me.

P.S.—15 July. I am detained till to-day as Lord John's illness persuaded the Lord Lieutenant not to let him come aboard till to-day. Warren, Tompson and Jepson, a Commons' man, are hanged. By this stay I hear the Earl of Carlingford bragged of a letter and of favour he had received of Mr. Secretary for his relations [?]. Upon questioning he owned it, and hath been dealt with as those persons ought to be who misinform the King of the innocency of their kindred. It's true Mrs. Almer was George King's daughter, who was my Lord of Carlingford's cousin, and how innocent he was the letter from the Lord Lieutenant and Council will show. I bring with me the copy I had intended to enclose. What he and Lord Inchiquin are to have for their pains, I hope I shall make out and then they shall hear of their brocage.

I am, dear friend, yours whilst

E. VERNON.

In all, pp. 3. (*Hol.*). *Endd. S.P. Ireland* 314, 17.

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15 July. ENTRY of the KING to the LORD LIEUTENANT for WILLIAM, EARL OF STRAFFORD.

The Earl of Strafford informs us that his father Thomas was seized in fee of the manor of Newcastle and various other lands in co. Wicklow by grant from King Charles I. at a rent of £250 a year, and that whilst "he was a prisoner in the Tower and violently prosecuted for life and estate," he petitioned Charles I. that a rent of £2,000 a year (much more than the value of the lands) might be charged on that estate and other lands by him purchased in Ireland, so that nobody might try to obtain them on forfeiture "and to prevent all occasions of clamour against him for enriching himself by that employment." It was not intended by the King or the Earl of Strafford that this rent should be paid, nor was it paid, and the records of the Exchequer show that the King owed the Earl £20,000. The Earl petitions showing that he is now questioned and troubled for that rent by process from the Exchequer. We are sensible of the great oppressions put upon the late Earl in the time of his imprisonment and have lately given our assent to an Act for the reversal of his attainder. You shall inquire from the officers of the Court of Exchequer as to the facts stated, and if it appears that the late King gave no consideration for the increase of rent above mentioned, you shall direct the Master of the Rolls to allow the patent by which that rent is reserved to be surrendered, and shall direct the barons and officers of the Exchequer not to press for the arrears thereof. You shall further cause new patents to issue giving to the present Earl the manor of Newcastle and the other lands granted by the surrendered patent, with the courts, liberties, &c., granted thereby, at a rent of £150. Insert clauses in this patent for making it effectual. *Pp.* 3½. *S.P. Ireland* 312, *pp.* 122-125.

Same. NOTE of a letter to the Commissioners of Settlement in Ireland directing them to allow Clement Roche either to amend his claim or to take it off the file and exhibit a new one. *Four lines. Entry. Ibid. p.* 121.

Same. Council Chamber, Dublin. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

A petition by Colonel Edward Vernon has lately been before this Board setting forth that upon petitions of his and of one Jane Aylmer otherwise King, your Majesty by letters patents, dated 26 November, 1660, granted Colonel Vernon the manor of Clontarf; but that Jane Aylmer and her husband, James, have obtained letters from your Majesty, dated 17 June, 1661, for enabling them to reverse the outlawry of George King, Jane Aylmer's father, which was pronounced in Hilary Term, 1641[-2]. They pretended that King was loyal and was only outlawed for "his persuasion to his religion," and died in the King's service at the siege of

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Waterford. Colonel Vernon is informed that this is the only letter His Majesty has granted in a matter of outlawry and that there are some proceedings upon it.

Colonel Vernon asking us to consider the case, we find a printed Proclamation by the Lords Justices and Council, dated 13 December, 1641, in which they charge Luke Nettervill, George Blackney, the said George King and certain others who had assembled together, to separate and not to assemble again in that manner without direction from the said Justices and Council. They further ordered that all the persons who had signed a writing referred to in the Proclamation—of whom George King was one—should appear before them on the 18th of December and be fully heard, and the Proclamation gave them safe conduct during their journey, declaring that if they did not appear the Justices and Council might have to take a course with them to compel their obedience which neither they nor the Council would like.

Neither King nor any of the others appeared in obedience to the said Proclamation, as appears by letters from the Justices and Council addressed to the Earl of Leicester, then Lord Lieutenant, and dated 28 December, 1641.

A certificate of the Clerk of the Crown of the Court of Chief Place shows that King was outlawed in Hilary Term, 1641[-2]. He might have come to Dublin, which many others did do, at the time.

George King was afterwards of the Nuntio's party, but how or where he died appears not to us.

We have respited any action on the King's letters of June, 1661, till we receive his further directions. *Pp.* 1½. *Signed by the* Lord Lieutenant, the Archbishop of Dublin [Margetson] and fourteen other members of the Council of Ireland. *Add. Endd in* Williamson's *hand. S.P. Ireland* 314, 18. *Enclosing—*

Copy of Proclamation by the Lords Justices, Parsons and Borlase, Council.

On December 9 *we, having heard that Luke Nettervill, one of the younger sons of Viscount Nettervill, George Blackney, George King and others, of the co. Dublin, were assembled lately at or near Swords in great numbers, for what purpose we know not, but apparently to the terror of His Majesty's good subjects, ordered Nettervill, Blackney, King and six others to appear before us on* 10 *December to show cause for their so assembling.*

On the tenth we received a letter signed by the three aforesaid and by John Talbot, Richard Goulding, Thomas and Christopher Russell, Patrick Caddell, William Travers, Richard Barnewell, and Lawrence Bealing, acknowledging our letter and saying that they felt themselves to be in no small danger, being all of them forced to forsake their homes on Tuesday night by a rising out of troops, who, they said, had cruelly killed four Catholics for no other reason than their religion. They were, they said, in danger of their lives, and desired protection.

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We could not but wonder at the causeless jealousies pretended to be taken up by these men; but nevertheless, that the State might not be held guilty for the death of any person, we have inquired into the matter and find it to be thus—that information was given to some of the commanders of the King's army that there had been a robbery and spoil committed by some of the rebels at a place called the Baskin, on the house of one Smith, and that if some soldiers were sent forth the informer would bring them upon those that had committed the robbery, as well as upon those who had a short time before murdered Master Derrick Huibarts. We sent out two officers and forty foot with orders, if they came upon those men, to fall upon them; and they accordingly killed them. We are informed that they were criminal offenders, and, if this is so, it does not matter whether they were Protestants or Papists, they received their deserts; and we are informed one of them was a Protestant, which proves that there was no design against Catholics as such. If, however, those men were not guilty then those who killed them would receive just punishment; and this being so, it would have been much better if Nettervill and the others had made the matter known at the Council Board or Council of War than thus to assemble in a tumultuary manner, with 1,200 *armed men; and though their disobedience of our order to disband disentitles them from claiming such good treatment at their hands, yet we are ready to descend so far and give them the word and assurance of this State that we entertained no designs against the persons of Luke Nettervill or others, except such persons rob or abet the robbers of the King's good subjects, but always desired, and still desire, to cherish and preserve them so long as we find they act lawfully towards the King.*

We command them now to disband, &c. [*as given in the substance of the order quoted in the foregoing letter*]. *Pp.* 3, *large. Dated* 13 *December,* 1641. *Signed by nine members of the Council, with note of printing* [*though this copy is in MS.*] *at Dublin,* 1641. *Endd. S.P. Ireland* 314, 18, 1.

15 July. Dublin. JAMES BRYAN to SECRETARY BENNET.

My father, who was devoted to your interests, has died and left his estate here so unsettled that I am forced, at the importunity of my cousin Archer, to trouble you with these lines in my own behalf and his. My father drew it a little before his death and made it so large that your honour may see my Cousin Archer's services to the King, and the justice of his demands. My concerns in them are not small for my father frequently, from affection for my cousin, lent him money. My cousin wants to repay the debt, and to that end, asks your favour. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 311, 19.

ENTRY of PETITION of GRIFFITH, BISHOP OF OSSERY [OSSORY].

Shows that Sir George Arskew forcibly entered on the houses and lands of the Bishop of Ossery, and that the King is wronged thereby. Desires it may be referred as subscribed.

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16 July. Whitehall. The King directs reference to the Duke of Ormond, who shall settle petitioner in his right. *P.* ½. *S.P. Dom. Entry Books XIII. p.* 325.

16 July. Dublin. The Lord Lieutenant to [Secretary Bennet?].

I am sending Lord Anglesey over as soon as possible, since our money cannot come to us before he arrives there. The preparation of the new Act and of his departure leave me no time to rest "or to go abroad, which is as necessary to me as sleep."

I am preparing several prisons for the silenced ministers remote from their acquaintances and former habitations, but as all of them pretend to be poor, and some are really so, I shall have to make them some allowance during their imprisonment. It is possible that when they have been some time in prison they will consent to take their liberty, on condition of leaving this country and not returning without leave from the governor of the kingdom for the time being. This would be our best riddance of them, but I hesitate to take the step without leave from the King. They would, of course, if they left here, go to England or Scotland, and it is for His Majesty to judge in what place they will do the least harm.

Though I am "the most unskilful man in the world in the mystery of coins and exchange," I dare affirm that English money will be the best for us, and so Lord Anglesey, the bearer of this letter, will tell you. He is full of the state of this kingdom, and I am sure the King will be pleased to give him speedy audience.

He will say something to you material to your own pretensions here, which are much in the care of

"Your most affectionate humble servant,

Ormond."

Pp. 2¼. (*Hol.*). *Add. in* Lane's *hand. Endd. in* Bennet's *hand. S.P. Ireland* 314, 20.

General date 16 July.

Documents relating to the Case of John Howston or Houston, Gentleman.

Petition of Howston to the Lord Lieutenant, showing that:—

In September, 1641, Charles I. granted to petitioner's father all the lands, &c., and goods, &c., of one John Knox, of Longford, whereof he was seized or possessed at the time of committing the fact whereof he was attainted, at the usual rents and services. When his father died, petitioner petitioned the King for a confirmation of the said grant and his petition was referred to the Duke of Ormond, who referred it to the Attorney and Solicitor-General.

These officers considering it fit, a commission issued under the Seal of the Exchequer to inquire of the estate of the said Knox forfeited by attainder. This commission has been duly executed

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and an inquisition taken, from which it appears that Knox, at the time of his attainder and outlawry for murder, was seized of the three half cartrons of land of Ballyduffe with their appurtenances in the said county, as appears by the commission returned and now of record in the Court of Exchequer.

Petitioner prays that he may have patents granting him the said lands of Ballyduffe with the appurtenances, at the rents and services heretofore rendered by Knox, as by a *constat* of the patent of the said lands granted to Knox may appear. *P.* 1. *Endd. with*—

(1) Order, dated 6 March, 166⅔, *signed by* the Duke of Ormond, referring the petition to the Attorney or Solicitor-General. They are to consider the late King's letters, the present King's reference, the inquisition mentioned in the petition and anything else offered on the petitioner's behalf, and to certify thereon what may be fit to do in the matter.

(2) Report by Sir William Domvile on the above petition.

I have considered the papers submitted to me in this case. I find that Knox at the time he was attainted of murder (10 Charles I.) was seized of the several lands mentioned in the petition. King Charles I. intended that these lands should be granted to Howston and they may be so granted without danger to the interests of the adventurers or soldiers inasmuch as the lands came to the King before 1641. I do not, however, think that you can grant letters patents of the King's lands upon such a general signification only of the King's pleasure by the Master of Requests, having neither the King's signet nor sign manual for the warrant. You should return the true state of the matter to the King and get further order therein. *P.* ½. *Signed by* Domvile. *In all* (*with endorsements*), *pp.* 2. *Endd. S.P. Ireland* 314, 21.

Copy of the Lord Lieutenant to the Master of Requests now attending the King.

Certifying the steps he has taken in consequence of the King's last order in the matter of Howston's claim, and sending Sir William Domvile's certificate. *P.* ½. Dated 1 July, 1663, Dublin Castle. *Ibid.* 22.

Petition of Howston to the King, showing that:—

King Charles I. by letters dated September, 1641, granted to petitioner's late father and his heirs all the lands, chattels, &c., of one John Knox, of the co. Longford, in the same kingdom, whereof he was possessed at the time he was accused of the fact whereof he was attainted, as by the King's letters and writ of privy seal hereunto annexed may appear.

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Petitioner fled beyond seas after attending King Charles I. till his death and was totally robbed by the rebellious party, and never had any opportunity to go to Ireland to get a settlement of his property. His lands, tenements, goods and chattels remain in the same forfeited condition in the hands of Knox's heirs, as they were at the time of the late King's grant, without any alteration whatsoever.

He prays for a renewal of the grant to him and such a commission for settling it according to the late King's grant, as is thought meet. *P.* ½. *Underwritten with*—

(1) Order dated 8 July, 1662, at Hampton Court, referring the petition to the Duke of Ormond to examine and report what is best to be done.

(2) Reference by the Lord Lieutenant of the same petition to the Attorney and Solicitor-General for inquiry and report, dated Dublin Castle, 7 October, 1662.

(3) [*On next page.*] Note dated 16 July, 1663, at Whitehall of warrant to the Clerk of the Signet to prepare a letter fit for the King's signature directed to the Lord Lieutenant of Ireland granting the petition. *Endd. in detail. S.P. Ireland* 314, 23.

This concludes the documents relating to this case.

16 July. Dublin. ROBERT LYE to SECRETARY WILLIAMSON.

I am grateful to you for sending me the weekly "gassetts" in return for which I will send you what news we have here so far as I understand it. Lord Anglesey, we hear, will depart within two days and will bring with him a bill for restoring several persons there. To-day the Primate's funeral was celebrated and yesterday the three traitors (Warren, Tomson and Gepson [Jepson]) were executed, at which sight I was present all the time and very near them. I will give you an account of it to set at rest false reports which may be put about by interested persons.

"The prisoners was carried upon sledges from the castle of Dublin to the Gallows Green, where, being come to the gallows, after usual ceremony Gebson went up the ladder, and there made a large speech in the way of counsel to the people to avoid sin, &c., and withal acknowledging his own crime that he had concealed treason, &c.; that his death be laid to none but the vilde Papists, with other fitts of little charity at such a time, and with his hat on all the time till he was to be cast off, and then he gave it the hangman who immediately turned the ladder, and with it Gebson, who held fast by the same to save his life as long as he might, but that would not do. This being done we had presently a hot alarm, upon which everyone betook themselves to several defences, most part that had arms besides the guard to their arms, and those that had none to their heels, who tumbling over one another as they ran, and some on horseback being amongst them, did some mischief, as breaking legs and arms and some children

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killed as I am told. A little time after this alarm began, the news going to the city, all began there to shut up their shops, and a great many to betake themselves to the Castle, and a company of foot was sent to relieve us who had but a very small guard of halburteers, of the chrieff's providing, to guard the prisoners, but before the said company could cross the river our quarrel was appeased almost, no man remaining the wiser, nor no man knowing who was his friend or his foe in all the buinese, but all in a confusion, if it were not the halburteers who knew one another by their arms and so held by the prisioners. Thomson and Warren, who stood by the gallow's foot, only pingnoned by the arms, began to pluck up a good heart, but the chrieff holding Tomson by the one hand and his sword in the other, did let neither stir. What the beginning of this disturbance was is several ways discoursed of. Some say it was some coach horses got loose in the crowd, some that it was a particular quarrel, and some that it was done maliciously with intention to rescue the prisoners if they found an advantage. But be it what it will, I am sure that those that were in the fields about, hearing the noise and seeing the rout upon the high place by the gallows, ran swiftly every way, which put us that were by the gallows in the greater confusion amongst ourself. Notwithstanding all this Warren was hastened up the ladder and made a tedious troublesome discourse other than deferring the time, and looking several ways about him as we supposed for help." Amongst other things he spoke of his just and righteous cause, " which now lieth in the dust and some days would have terrified the greatest monarchs." When interrupted by the sheriff, he complained and asked why a dying man should not have liberty to speak his conscience " so that in some discontent and much against his stomack he was turned over, though he held as fast as he could by the ladder and then by the rope that Gepson hung by. Then Tomson's turn being come he made a modest speech acknowledging his crime, saying he was drawn in by one Blood, who made his escape, and having declared himself for the Church of England and prayed for the King he cast himself off resolutely, and there I left them all three, wishing all the rest of their fellow plotters were with them." *Other details. Pp.* 6. (*Hol. with curious spelling.*) *Add. Endd. S.P. Ireland* 314, 24.

16 July. Dublin. MEMORANDUM by certain TRUSTEES to the KING.

We, as trustees appointed by the Dukes of Ormond and Albemarle for managing the securities allotted for the satisfaction of officers who served the King or Charles I, before 5 June, 1649, having had the King's letter submitted to us on behalf of the Earl of Tyrconnell, find ourselves in difficulty between the due performance of your Majesty's wishes and the trust reposed on us for those who are our fellow soldiers and sufferers. We have taken the opinion of counsel which we send—to the effect that we have not any interest or estate in the lands or houses, but that the said securities are merely, by the said Act, committed to us to set and let for the best advantage of the said officers.

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We cannot, our counsel thinks, discharge any right which we have not; and if we had such right it would be a breach of trust for us to do any act for the disadvantage of those for whom we are entrusted without their consent.

We should readily obey the King's orders were we not under an incapacity in reference to our trust. *P.* ¾. *Signed (not autograph) by* "Mount Alexander, A. Ranelagh, Hans Hamilton, Edward Billingsley, John Stephens, Robert Byron, William Flower, Randolph Clayton, Thomas Harman, Al. Pigott, Robert Warde, Thomas Pigott, Daniel Treswell, Francis Willoughby, William Hamilton, John Percivale." *Certified as true copy by* Randolph Clayton. *Endd. S.P. Ireland* 314, 25.

17 July. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

I remember seeing your and Lord Inchiquin's certificates as to the good services of Colonel White. These have been mislaid. I therefore now refresh your memory as to what you were pleased to certify in his favour. The King relieved him upon your testimonials but is aware that what has been done for him falls short of what he deserves, and is not sufficient to satisfy his pressing wants. *P.* 1. *Entry. S.P. Ireland* 312, *p.* 126.

Same. The KING to the COMMISSIONERS of SETTLEMENT for CAPTAIN DANIEL O'KEIFE and OTHERS.

We are informed by Sir Henry Bennet that O'Keife and others, as below, did not put in, or authorise the putting in of, any claims, and that, in the case of "others" of them, claims were put in for them without their authority. By virtue of the clause of *p.* 61 of the Act of Settlement we direct you to receive and hear the claims of such of these persons as prove clearly to you that they

(1) have not put in claims or authorised any to put in;

(2) repudiate claims put in on their behalf without their authority.

List follows:—

Captain Daniel O'Keife.
,, Owen MacCarty.
,, Michael Bret.
Ensign James Symons.
,, James Walsh.
Lieutenant Thomas Hope.
Ensign Mathew Ryan.
Captain Andrew Dowdall.
,, William Bary-oge.
,, Gerald Ferrall.
,, Terence and Arthur Molloy.
Captain Phillips.
,, Terence O'Brien.
Ensign H. Rochfort.
Captain John Neale.
,, David Downan.
Colonel Henry Blackwall.
Edmond Poer, a minor.
Francis and Symon Coghlan.
Oliver Dalton.
Ensign Charles McCarthy.

Elinor Jordan *alias* Costelow and William Jordan, her son.

Pp. 2½. *Ibid. pp.* 127-9.

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17 July. Dublin. The Lord Lieutenant to [Secretary Bennet].

This will, I believe, be brought by a man who is sent by certain gentlemen who have long aimed at farming the customs and imported excise in this kingdom. I must bear them witness that they are the first who by Mr. Hervy made any considerable offers for those duties and "so brought on others till £51,000 is now bid for them." If they say that they have an assurance from me that they should have them for £50,000 I cannot directly deny it. I said that if they offered £50,000 when others offered only £48,000 it should be accepted; but, finding that Sir Martin Noell was partner in both offers, I told Mr. Hervy that he must come up to the highest and I would acquaint the King with the title he and his co-respondents had to preference at that rate; and the truth is, I conceive, I have so engaged myself or rather the King, that unless some one offers £4,000 or £5,000 a year more I do not think that Mr. Hervy and his friends can honourably be disappointed. They have long attended the affair and have been instrumental to raise it to what it is. *Pp.* 1½. (*Hol.*). *Add. in* Lane's *hand*, "For yrself." *Endd. S.P. Ireland* 314, 26.

Same. Sir Thomas Clarges to the Same.

I had yours of the 4th inst. yesterday, but, before getting it, I used all possible diligence to secure your interest in the Explanatory bill now before the Council. I was not successful as the Lord Lieutenant has openly declared he will have nothing but generally in this bill. Yesterday I prevailed with a Lord in good credit with him to move him privately for you; but he was not to be wroght upon, saying only that if the thing were done for anybody it should be done for you. The bill is designed to restore many of the Irish nobility to their estates, and, I hear (for none of them are named) Lord Clanmaleere amongst them. If this be so I shall do my utmost to hinder it, for, if you do not gain by this bill, at least you should have no hurt by it. It seems strange that the Council should consent to pass a forfeited estate to you by a bill and, *eodem flatu*, give it away to another; "for though there be really a difference in time of the doing of it, yet in the eye of the law, if they both come to be made Acts in Parliament they will be both for one date; that is, the first day of the Session." I hope none of your affairs here will be successless. *Polite expressions.*

P.S.—Please send the letters that are to come to me single and not in any other packet. *P.* 1. *Signed. Add. Endd. Ibid.* 27.

18 July. Whitehall. Entry of the King to the Lord Lieutenant for William Legg.

On 14 March, 1661, we wrote directing the Lords Justices to order grants to be passed to William Legg, one of the grooms of our bedchamber, of several rectories, preceptories, &c., let out by leave from Queen Elizabeth to Sir Thomas Plunkett, Lord Louth

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to hold under the conditions specified in our letters, and to commence from the expiry of the leases of the premises made to Lord Louth. By these letters and by a certain proviso in the late Act of Settlement you shall give order for putting the said William Legg in full possession of the lordship and preceptory of Kilsaran parcel of the premises, with all the appurtenances thereto belonging, and the other parts of the said premises so granted or intended to be granted to him by our executors. *Other details.* *Pp.* 1½. *S.P. Ireland* 312, *pp.* 130-131.

18 July. Dublin. The Lord Lieutenant to Secretary Bennet.

Sir Henry O'Neill thinks it will not become him to present himself to you without a letter from me so I am prevailed upon to write. I hope I may do him good there by saying that I have not been able to do him any here, though I had the King's command and my own strong inclinations to warrant it. The Act of Settlement keeps him out of his estate and the emptiness of the Treasury from a pension the King had designed for him. I can see nothing to keep him out of the benefits conferred by the new Act, nor any other way of benefiting him than that Act. This is his case. You will soon know his "parts and person." *P.* 1. (*Hol.*). *Add.* *Endd.* *S.P. Ireland* 314, 28.

Same. List of Letters sent to Mr. Secretary Bennet on this date for the King's signature.

Letter for promoting the Archbishop of Dublin to the Archbishopric of Armagh and for allowing him the profits of the said Archbishopric since the late Archbishop's death.

Letter for the Commissioners for executing the Act of Settlement to receive the claim of Edward Plunket, son to Lord Dunsany, and to proceed to a speedy hearing.

P. ½, *with note* (*hol.*), *by the* Duke of Ormond that the first letter is in accordance with the King's pleasure signified by the Bishop of London, and the second for a gentleman who will otherwise be undone. *Endd.* *Ibid.* 29.

Same. Sir George Lane to Secretary Bennet.

I received by yours of the fourth an intimation of the intention to battle with me, which has alarmed me and caused me to ask what payments have been made by bills. I have endeavoured to see your rights fairly answered, and I am sure I do not need to swear to you that I get nothing by the letters I transmit, but my [?] labour for my [?] pains. This is so not only in matters wherein I can challenge no duty, but commonly so in things passing my office. The country is barren and the nation poor. You will receive a bill of £30 for the Archbishop's letter. In these matters I always try to say something in advancement of your right

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and when it is so I suppose you understand that both your servants and the Signet Office is to be satisfied thereout. The people are so poor and know so well what the fees are that I can get nothing but what is due, and there are some so poor they are not worth the fee, "but when any fat ones comes in my way I make bold to drop an advice now and then." (*Other details*).

The speeches of Warren, Tomson and Jephson will show you that they are executed. The first died like a Christian. The other two had made the world believe, before they came to the place of execution, that they would do their duty by confessing their guilt and exhorting the people to loyalty, obedience and the renunciation of Popery. But this was clearly only a feint in expectation of pardon, for their speeches, which they had penned beforehand, declared their seditious thoughts. My Lord of Anglesey went hence yesterday and will, I suppose, tell you of the Lord [Lieutenant]'s kindness to you. I suppose Dick Talbot has given you my advice on your concern. *Pp.* 2. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 314, 30.

18 July. Dublin. SIR THOMAS CLARGES to SECRETARY BENNET.

Being desirous to improve all my interest and faculties to serve you in securing your estate by the Act now under consideration, I entreated Sir George Lane to let me see your letters patents and your private Act, and on looking at the Act I find it so negligently penned that it cannot be presented to Parliament till it is again passed at the Council Board and transmitted to England. Your letters patents bear date 5 November, 1662, but are recited in the Act to be dated 5 November, 1661. This is so great an error that it can only be made good by doing everything over again. The Clerk of the Crown here was, I find on inspection, not in error, for the Act was transmitted from the Council to him to draw. I am sorry I was not here to prevent the mistake. At the next Council day I shall move that it be sent over again, and I think there will be no difficulty about doing this as the alteration to be made is so little. When it comes over you had best leave out Lord Kingston's clause which is too unnaturally placed there, but then you had best send back the Act for Marriages, where he is provided, so that you may not make an enemy of him. Notwithstanding the private Act I am trying to contrive the insertion [in the general Act] to confirm your estate—though without naming you, as none will be named in the Act but the Irish "Restorees." I will prevent Lord Angier's opposition by engaging that if you are assured of the whole you will convey him his part. If you write the same to him he will have no reason to be anything but content. Lord Anglesey went away yesterday and carried with him a copy of the Act "which is much relied on by my Lord Lieutenant for the managery of the whole affair, but yet ————. Be very circumspect in all your actions."

P.S.—Either send my letters singly or have them put in the Duke of Albemarle's packet. *Pp.* 1½. *Signed. Add. Endd. Ibid.* 31.

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18 July. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for CHRISTOPHER and PATRICK CUSACK.

Christopher Cusack, of Rathaldran, co. Meath, and his son Patrick, have asked to be allowed to put in their claim before you after the closing day. They live remote from Dublin, and a claim put in on their behalf was not well grounded. You shall let them put in a claim at any time during your sitting, and shall give them a speedy and favourable hearing. *P.* ½. *S.P. Dom. Signet Office V. p.* 423.

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 129.

Same. Note of same to same for allowing Mr. Brett to enter his claim *de novo* within three months of this date. *Four lines. S.P. Irelaud* 312, *p.* 129.

22 July. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I ask pardon for not sending these prints before. I hoped by this to have sent you the whole proceeding of the trial of the executed malefactors, but it is not adjusted by the Lord Chief Justice and the King's Counsel. It will be sent when ready. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 32.

22 July. Whitehall The KING to the COMMISSIONERS of SETTLEMENT for the EARL OF CORK.

The Earl neglected to put in his claim in the time limited by the Act of Settlement. You shall allow him to put it in within three months from this date. *P.* ½. *S.P. Dom. Signet Office V. p.* 427.

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 134.

Same. SAME to SAME for FRANCIS BETAGH.

On the trial of Betagh's claim before you he was declared nocent. It is now represented to us that Patrick his son, and Patrick's aunts Mary, Ellinor, Margaret, Anne and Jane Betagh, and Patrick's uncles, Henry, Christopher, Richard, Luke and James Betagh, were concerned in the same estate and their interest neglected to be put in in any claim hitherto, Patrick being a minor and the remaining Betaghs relying on the hope that you would adjudge Francis Betagh to be innocent. You allow them to put in their claims and give them a full and just hearing. *P.* ½. *S.P. Dom. Signet Office V. pp.* 427-8.

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23 July. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for ALEXANDER MACDONNELL and OTHERS.

MacDonnell, who is brother to the Marquis of Antrim, Mathew "Plunquett," son of Lord Louth, Daniel O'Sulivan[e] Beare, of Bearehaven, Daniel O'Sulivane his nephew and heir apparent, Peter Wootton of Drogheda, Esq., Elizabeth Hathrington his sister, Daniel O'Sulivan of Dounkean [Doonkinane], and Daniel MacCarty, of Ballicarig, co. Kerry, desire leave to put in their claims after the prescribed day. Their counsel, Patrick Bryan, has died and, for other reasons, they need more time. You shall give them leave to amend their claims or put in new claims during the time of the sitting of the Court of Claims. This order is made in recognition of the petitioners' loyalty and sufferings for the Royal cause. You shall despatch their cases as soon as they, or any of them, are ready for trial. *P.* ⅔. *S.P. Dom. Signet Office V. p.* 424.

Same. SAME to SAME for LORD MOUNTGARRETT, MARY TAYLOR, of Swords, widow, and JOHN her son.

Directs that they have leave similar to that given in foregoing. Their counsel, Patrick Bryan, is dead. Any of them judged by the Court to be restored shall be further restored to their lands, gardens, orchards, &c., and advantages or profits in any city, walled town, or corporation in Ireland. Their trial shall be despatched. *P.* ⅔. *Ibid. p.* 424-425.

Same. NOTE of SAME to SAME.

Directing them to receive [?] James Dillon's claim. *Two lines. S.P. Ireland* 312, *p.* 131.

ENTRY of PETITION of COLONEL STEPHEN WHITE.

He desires the King's recommendation to the Lord Lieutenant, to whom his services are known, for some favour as a person who well deserved of the King in the late wars.

24 July. Whitehall. The King grants the petition. *P.* ½. *S.P. Dom. Entry Book XIII. p.* 331.

24 July. ENTRY of the KING to the COMMISSIONERS of SETTLEMENT for JAMES BRYAN, of "Maunmore," co. Kilkenny.

Recommending him for favourable and speedy hearing of his claim according to justice and equity. *P.* ½. *S.P. Ireland* 312, *p.* 133.

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24 July. ENTRY of the KING to the LORD LIEUTENANT for RICHARD JONES, ESQ.

We send you Jones' petition from which it appears that his grandfather, Viscount Ranelagh, incurred great expenses as President of Connaught, when the plantation of that province was intended by King Charles I. Examine the petition, and if you find the facts true, propose to us some way for the petitioner's speedy satisfaction. *P.* 1. *S.P. Ireland* 312, *pp.* 131-2.

COPY of PETITION to the KING of HENRY, EARL OF CLANBRASILL, showing that:—

In July, 1663, the King gave so gracious a return to the letters which the Lord Lieutenant of Ireland writ in petitioner's behalf that he directed the Duke to recommend whatever he should think fit for relief of the petitioner's estate, which is much hindered with debts contracted by his great sufferings in the King's service, who was above seven years sequestered and afterwards forced to a composition of £9,000.

Petitioner prays that the King will direct the Duke of Ormond as to what part of the money in Ireland now disposed of by the King shall be favourably conferred on the petitioner, or what other way the petitioner's pressing necessities shall be supplied.[1] *P.* ⅔. *Followed by*—

24 July. Whitehall. COPY of the KING to the LORD LIEUTENANT for the EARL OF CLANBRASILL.

Recommending the Lord Lieutenant to have a particular care of the Earl's concernments and to offer to the King whatever he shall judge applicable to the condition of the Earl's fortune. The King is grateful for the services of the Earl's father and wishes the Earl "bred up in the example of his father's worth, which we ourself will have an eye to here." *P.* ⅔. *In all, pp.* 1½. *Endd. S.P. Ireland* 314, 33.

Also, entry of same. *P.* 1. *S.P. Ireland* 312, *pp.* 133-4.

25 July. Dublin. BRIAN MACMAHON to SECRETARY BENNET.

I have been unwilling to interrupt you with letters whilst I knew you were engaged in more important concerns, but now I must turn to you as to the only anchor of my future hopes in favouring me according to your wonted manner touching a bill which will be soon transmitted over from hence into England wherein I was enlisted. It contained the names of such choice persons as firmly adhered to my Lord of Ormond's articles of peace. Pray take care that my name is not expunged out of that bill. *P.* ¾. *Signed. Add. Endd. S.P. Ireland* 314, 34.

(1) Later than this date, but placed at date of next for convenience.

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25 July. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I thank you for getting the letter for Mr. Cusack which will come in good time. The request I send you to obtain is in favour of an honest and loyal man. The judge was going to have pronounced sentence in his behalf and the case was laid aside only for want of witnesses to prove that the house which he claimed had been sequestered by the usurper, and cannot be heard again without your favour.

I have been to-day in Sir George Lane's office, who spent some time in justifying himself as to taking offices and showing me Mr. Secretary's letter and your own; "in which *interim* there coming in some persons concerned as solicitors and others, he fell very earnestly upon them complaining much of their ill compliance and assuring them that he will never send for a letter for them except they send a bill of exchange for the fees; but withal that he doeth not himself intend to meddle with receiving any of their money or keeping any account thereof, nor never did; and takes somewhat ill the words in Mr. Secretary's letter that says 'Live and let us live.'" Nevertheless I feel sure you will get the fees more punctually remitted hereafter. Mr. Godolphin, who has money of mine, will pay you the fee for my letter. If he has spent it, I will pay you on my return. *Pp.* 1¾. (*Hol.*). *Add., with seal. Endd. S.P. Ireland* 314, 35.

Same. WINSTON CHURCHILL to SECRETARY BENNET.

Amongst all the difficulties and perplexities with which we meet here, none troubles me more than the fear of a miscarriage in your business. At present the state of the settlement is distorted with so many interests that without a rare good fortune it may fall to the ground. The idea of having a new act has begotten new counsels among your friends so that some conceipt there may be an advantage made to you thereby. But I who have read it, and have good cause to consider it, cannot tell you of any gain which it can bring to you unless you can dash your competitor's name out of the restoring clause and leave him as he stands before us (which is black enough) or could get a special clause confirming the possession to you upon reprising of soldiers, which is the more reasonable because neither he nor any that are to be restored by the new act are to be restored to their old estates, but to be transplanted; or you might get, by favour of the Lord Lieutenant, that he might stand restorable as to one half and that the other part might be made out to you by special provision out of the moiety of some other person's estate that has deserved as little from the King as he. "But to deal frankly with you upon my sense of the whole bill, in short I take it to be so cursed a cheat from one end of it to the other that I cannot believe it will ever be returned back to us if it yet go, unless the King will adventure the settlement upon two acts which, like Sir William Petty's invention here with

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two bottoms, may hold in fair weather but never in a storm. To secure the worst and entitle you by Act of Parliament against all precedent remainders (of which I hear there are many, but none claimed before us), I have put down your cause to be heard the 18th of next month. If you think the advantage of securing the remainder after the life of my Lord Clanmalira be worth the acridge, we will go on with it, if not we can withdraw it upon notice from you. This be certain of, that there is not security in this nation to any pretence of this nature like a decree of the Court of Claims, and without a sufficient compensation to you no subsequent Act of Parliament can justly enervate it, much less make it void." Whilst you live I am sure you will be able to defend your title. *P.* 1. *Signed. Endd. S.P. Ireland* 314, 86.

25 July. Dublin. The Lord Lieutenant to Secretary Bennet.

I have made an omission in not stating with what ability and industry the Attorney and Solicitor-General prosecuted the malefactors who had conspired the ruin of his people here. You should represent this fact to the King that he may consider whether or not he should encourage them by thanking them in his name. The Chief Justice was equally zealous and learned, "but being a sworn judge between the King and subject I am not sure that any notice should be taken to him of the good performance of his duty. Yet I hold it mine to attest it for him." *P.* 1. (*Hol.*). *Add. in* Lane's *hand. Endd. Ibid.* 37.

Same. Samuel Bathurst to William Godolphin, Secretary to Secretary Bennet.

The several letters you send under cover to me have safe conveyance, though you do not receive an account therefrom by return.

P.S.—Captain Darcy commander of the *Harp* frigate died here yesterday very suddenly, "being well and dead in an hour." *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 38.

Same. Sir Thomas Clarges to [Secretary Bennet].

I had hoped by this time to have returned your bill reformed to you but various difficulties have prevented me from doing so. I cannot yet get a paper copy into my hands, for according to custom it must be presented in paper, and I will blame no one in this matter till I am assured where the fault is. The bill now under consideration may damage you, but I shall watch it so that you shall not be easily injured, "and if I do not fully accomplish your purpose here, I will send you such advice as will certainly do it in England and in a way that cannot then be discerned to contradict the ends of the bill." There is such art in all men

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here that I do not know whom to trust, and if your expectations in this matter are not in all things answered you have no great reason to be "choqued." You had better have your private bill so as to be doubly armed.

"I suppose you have heard of some endeavours in this place for the improvement of shipping of which there has of late been made an effectual experiment of a little boat of about twenty ton upon the principle of a double bottom, which draws much less water and sails as fast again as most ordinary vessels and is the most capable of adornment of anything was ever made. It is visible she is sharper, lighter, and bears more sail than other vessels.

"Two or three days ago she went into Wales and she turned into the narrow harbour of Holyhead against wind and tide to the wonder of several ancient seamen that saw it. In her return she outsailed the best of our three packet boats (which some say is not inferior to any that swims) so much as that she arrived at this port sixteen hours before her, although they both set out at the same moment. 'Tis true they both had the wind extreme bare so as our new vessel was eighteen hours in turning over from Holyhead and the pacquet boats four and thirty. She turns and steers (as seamen say) with great nimbleness and certainly, in brief, I have been inquisitive about it and am well satisfied there is some great thing in the bottom of the principle." The King could get a ship or two of this kind built with little hazard of dignity or profit, and these are advantages which the Kings of England should have and which consist mainly in the "preoccupation." If the King thinks fit to accept any reasonable proposal you may be sure that the author will be responsible for anything which he undertakes. He is "as fearful to suffer a public shame as most I know, he is one of the greatest parted men at this day in the world and as worthy to be encouraged. I beg your pardon for the length of this letter." *Pp.* 2½. *Endd. S.P. Ireland* 314, 38.

25 July. The KING to the LORD LIEUTENANT and LORD CHANCELLOR, and all others whom it may concern.

Directing them to make forth all writs, warrants, &c., necessary for the translation of James Archbishop of Dublin, to the see of Armagh, now vacant by the death of John, late Archbishop of the same, and also for restitution to the new Archbishop of the temporalities of the see. The temporalities shall be granted from the day of the death of the late Archbishop. *P.* 1. Dated 1663.[1] *S.P. Dom. Signet Office V. pp.* 425-6.

Also note of same. *Two lines.* Dated 24 July, 1663. *S.P. Ireland* 312, *p.* 132.

[1] The Deputy Keeper of the Records in Ireland informs me that the patent recites this letter as of 25 July, 1663. I accordingly place it here.

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27 July. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for HUGH KAVENAGH, of Ballinvally, in the barony of Gorey, co. Wexford.

In Kavenagh's claim, put in before you, his title was not rightly set forth or expressed for want of true knowledge of his writings, which were not then to be had, or not considered. He has asked leave to withdraw his claim and to put in a fresh one. You shall receive any fresh claim which he puts in during the sitting of your court and hear the same. *P.* ½. *S.P. Dom. Signet Office V. p.* 430.

Same. SAME to SAME for ROBERT BOYLE.

Directing that a claim which he neglected to put in in proper time, be received if put in within three months of this date. *P.* ½. *Ibid.*

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 135.

27 July. The KING to SIR WILLIAM COURTNEY and OTHERS concerning SIR HENRY CARY'S estate.

We are informed that Sir Henry Cary was possessed of a great estate in Ireland and that he contracted vast debts in our service, whereby he was enforced to settle his estate on trustees for payment of his debts, being himself a prisoner for three years together. The trustees were compelled by the late usurper to sell the lands at a great loss, whereby Sir Henry was greatly damnified. We hereby authorise you, Sir William Courtney, of Powdam [Powderham], in Devon, Bt., Sir John Stowell, Kt., John Raymond, Esq., Henry Tond, Esq., and Joseph Jackman, of the Middle Temple, Esq., to inquire and report as to the value of Cary's estate and as to the loss which he suffered, the price paid for this estate, and the persons who received such payment. Report within six months. *P.* 1. *S.P. Ireland* 312, *pp.* 135 *and* 134*a*.

27 July. Council Chamber, Dublin. COPY of ORDER by the LORD LIEUTENANT and COUNCIL.

We have lately received a writing dated 21 July at the King's Inn, Dublin, from the Commissioners of Settlement [*text whereof is here set out*] wherein they say that the King's letters are often produced before them either for restoring all natives and inhabitants of some corporations to their houses and lands therein, as in the case of Kinsale and Youghal, or for restoring sundry persons to their houses and lands in certain corporations, as in the case of Kilkenny, or for restoring particular persons to their lands in corporations. They think these will cause "such an inlett of Papists into Corporations as the Act seems to provide against"; and they have asked us to take a course for putting a stop thereunto. We therefore order them to take no further action upon any of such letters

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for restoring Papists until we report on the matter to His Majesty, and have his further pleasure herein. *Pp.* 1½. *Overwritten by the* Lord Lieutenant *and signed by* ten members of the Council. *Copy verified by* M. Barry. *Endd. S.P. Ireland* 314, 39.

July. Whitehall. The KING to [the COMMISSIONERS of SETTLEMENT] for the COUNTESS of TYRCONNELL.

It is claimed by the Earl of Clare, Lord Holles, Lord Clinton and their appointees, who are trustees for the Countess of Tyrconnell, that whatsoever decree or judgment has been given by you in our court concerning the Earl her husband, yet it ought not to prejudice her or such as are trustees for her as aforesaid, but that they may nevertheless put in their claims before you. You shall admit such claim or claims concerning any lands purchased by them for the use of the Countess. The lands, &c., claimed by them shall remain in their present state till you have decided these claims. *P.* ½. Dated — July. *S.P. Dom. Signet Office V. pp.* 426-427.

General date July. DOCUMENTS RELATING TO THE CASE OF RICHARD LEDWICH, OF COOKSTOWN, CO. MEATH, AND OTHERS.

Copy of petition to the King of Richard Ledwich and his grandson and heir, Richard Ledwich, of Betaghstown, Anne Ledwich, *alias* Nugent, widow of Richard the younger, and Pierce Ledwich, showing that:—

A sudden proclamation required the whole Irish nation to exhibit their claims within 31 days. Petitioners were too poor to fee counsel (and counsel themselves too few for all the work) and were compelled to employ an ignorant person who drew their claims defectively. They are therefore afraid to go on with their claim, and they may not be admitted here to amend it. They desire to save their fortunes. They pray for an order to exhibit amended claims and to be heard in respect thereof. *P.* ½. *Endd. S.P. Ireland* 314, 40.

The King to the Commissioners of Settlement for Ledwich.

One or more claims have been entered before you in the names of Richard Ledwich (as above) of his grandson and heir Richard Ledwich, of Betaghstown, in the name of Anne Ledwich, *alias* Nugent, widow, mother of the said Richard the younger, and of Pierce Ledwich "which, as we are informed, through the streightness of time and unskilfulness of their attorneys, were not put in according to the truth of their case." You shall receive any claim which they put in within three months of this date, and give it a speedy and favourable hearing. *P.* ½. Dated — July. *S.P. Dom. Signet Office V. p.* 428.

This concludes the documents relating to this case.

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[About July.] The KING to the COMMISSIONERS of SETTLEMENT for EDWARD PLUNKETT.

Lord Dunsany, though specially nominated for restoration in our Declaration of 30 November, 1660, has not yet had the benefit of that nomination, "when on his claim before you he hath been judged nocent." Edward Plunkett, his son and heir apparent, relying on his father's innocency, put in no claim, as he might have done. You shall receive and hear Edward Plunkett's claim. *P.* ½. Dated —— 1663. *S.P. Dom. Signet Office V. p.* 429.

Also note of same, dated 24 July. *Two lines. S.P. Ireland* 312, *p.* 132.

[About same.] SAME to SAME for MATHEW RUSSELL.

Russell petitions showing that his claim put in before you has not been properly drawn inasmuch as a writing which was material thereto was missing at the time that such claim was put in. You shall admit and hear favourably any further claim put in in his, his wife's or his son's name. *P.* ½. Dated — July, 1663. *Ibid.*

Also draft of same. *P.* ½. *Endd. S.P. Ireland* 314, 41.

General date July. DOCUMENTS RELATING TO THE CASE OF VISCOUNT SHANNON.

Certificate by the Earls of Orrery and Anglesey and Lord Massereene [as Treasurers of the Adventurers' moneys].

Of the £1,000 which we were directed by the King's letters of 10 January, 166⅔, to pay to Viscount Shannon out of the payments made by adventurers and soldiers towards reparation of those who have most eminently served the King, we have only been able to pay £150 owing to the shortness of funds. *P.* ½. *Signed (Hol.) by the above.* Dated 16 June, 1663. *Endd. S.P. Ireland* 314, 42.

Draft of the King to the Treasurers of the Adventurers' money for Lord Shannon.

Recites the letters of 16 January, 166⅔ [for which *see above at that date*] and the foregoing, and directs that the balance due to Lord Shannon be a first charge on the second payment arising out of the rents, &c., of the Adventurers' lands. Favourable clauses for execution. *Two drafts. Pp.* 1⅔ *and pp.* 1½, both dated — July. *Ibid.* 43 *and* 44.

This concludes the documents relating to this case.

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August, 1663.

1 Aug. Dublin. Robert Lye to Joseph Williamson.

I have yours of the 25th and have received therein Mr. Cusack's letter very full and to my heart's desire. I am very grateful for it. At present I can only assure you in words that I am, and shall always be, grateful.

"We have very little news here now except that everybody struggles to make the best advantage he can either of his own or another man's estate. The new Act, which is intended for restoring some in this kingdom and attainting many, lies yet in the Privy Council who hath not yet wholly resolved what it must contain." Some think it will change the form hitherto taken for the settlement of things in Ireland, yet cannot believe it will make things better. Your acquaintance, Mr. Sarsfield, had his case tried to-day and had no favour. He was declared nocent, though his uncle, from whom he claimed, was declared innocent, so that his son may enjoy his estate only after the father's death.

P.S.—Sir George Lane bids me send £9 and £2 in bills which, he says, is all that he has been able to get out of the persons concerned in the list that was sent some time ago for putting in new claims. He desires to keep friends with you and would willingly make the mediator. He hopes that you will not blame him for distributing the fees wrong; but when he sends a bill of £20 or £10 will discharge the signet fee out of it, after satisfying our own office. *In all, pp.* 1½. (*Hol.*). *Add. with seal. Endd. S.P. Ireland* 314, 45.

1 Aug. Dublin Cast'le. Sir George Lane to the Same.

If I am remiss in answering your letters it is because I am endeavouring to make you rich over there, which I seek more than any advantage to myself. Mr. Lye will tell you how I fight for your and Mr. Secretary's rights. To-night I will send you two small bills amounting I think to £11. Most of the persons in your list were too poor to contribute a farthing. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 46.

1 Aug. Dublin. The Lord Lieutenant to the King.

Your Majesty may be surprised at receiving a paper like the enclosed from me, "and it is well if I be not laught at for interposing in so extraordinary an invention, and, what is more, to believe something in it when your Majesty knows my head lyes so little in that way that it is all the most clear demonstrations can do to make me comprehend the necessary consequences and effects of a windmill." If you should be at Portsmouth this may find you with some of your seamen and Gresham College men about you "where it may be some divertisement to expose the propositions

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and see them dissected and read upon. If your Majesty shall think them of importance to be more seriously considered of and to give orders concerning them I shall be found better at obeying than understanding. God keep your Majesty." *P.* 1. *Unsigned. Add.* "For your Majesty." *Endd. S.P. Ireland* 314, 47.

1 Aug. Dublin Castle. SIR GEORGE LANE to [SECRETARY BENNET].

I am obliged to Mr. Lye for telling you how ready I am to serve you. I have given him your patent to-day to show your counsel that they may be ready "against" the day of your trial in the Court of Claims where your concerns will find all favour. I was surprised at the defect in your Act of Parliament and could not be satisfied that some who had pretended to be your friends had served you so ill till the original draft (which was in Mr. Brien, your counsel's hands) was found defective. I spoke to my Lord [?] about re-transmitting it, but he did not think this step needful, because of the design you will have found by my Lord of Anglesey was laid for your security in the new intended bill. If, however, you will still have it done, I will be your solicitor. I have entrusted Colonel Churchill, whom I know to be your faithful friend, with a copy of your proviso. I have not heard his views on it, but he seemed to affirm that Lord Clanmalira was a Nuntionist.[1] If this be true, he will have no place in the new bill. *Other details.* I have given Mr. Lye some small bills for you this day. He knows what a kind of beggarly people we have here. My next will bring the drafts for several Bishops [?] "with the best gratuities for yourself that can be obtained." *Pp.* 2¼. (*Hol.*). *Add.* "For yrself." *Endd. Ibid.* 48.

1 Aug. Dublin. THOMAS PAGE to JOSEPH WILLIAMSON.

Professing great gratitude and eagerness for Williamson's friendship. Sends a letter for the assistance of "an ancient gentleman" and advises that if any letter be seen in which Sir John Stevens is concerned, it receive despatch. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 49.

1 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for LUKE DOWDALL.

Dowdall, who is the son of Lawrence Dowdall, late of Athlumney, co. Meath, was out of Ireland [at the time of the hearing of his claim] and his writings delivered into the hands of persons who did not deliver them to those who took upon themselves to exhibit his claims in the Court of Claims for the

(1) *i.e.* a former supporter of the Nuntio Rinuccini.

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manors, castles, &c., which should come to him after the death of his father. He is, in consequence, threatened with ruin, and his father was loyal. You shall receive and hear any claims by him for any manors and lands which he claims through any person who was in possession of them on 22 October, 1641, although the time for putting in such claims has now elapsed. *P.* ½. *S.P. Dom. Signet Office V. p.* 431.

3 Aug. Dublin Castle. ORDER by the LORD LIEUTENANT.

Proroguing the Parliament from 25 August next to 1 October next. *P.* ½, *with signature of the* Lord Lieutenant [*not hol.*], *and note of printing and sale as the Proclamation of* 18 *March above, q.v. S.P. Ireland* 309, *p.* 127.

3 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for STEPHEN RELY.

Rely put in a claim before you; and it was dismissed on the ground alone that he was not able to prove that his interest was sequestered. He is now ready to do so, and in accordance with his request, we direct you to receive and hear it on its merits. *P.* ¼. *S.P. Dom. Signet Office V. p.* 431.

Also note of same. *S.P. Ireland* 312, *p.* 134*a*.

Also warrant under the Sign Manual for same. *Countersigned by* Secretary Bennet. *S.P. Ireland* 314, 50.

Also draft of same. *P.* ½. *Ibid.* 51.

Same. SAME for WILLIAM TUITE.

By the death of his "counsellor-at-law" Patrick Bryan, and by ignorance of his writings, Tuite was prevented from putting in his claim before you in proper time. "According to the power reserved to us by the late Act of Settlement" we direct you to receive and hear this claim on its merits. *P.* ¼. *S.P. Dom. Signet Office V. p.* 432.

Also note of same. *S.P. Ireland* 312, *p.* 134*a*.

4 Aug. Whitehall ENTRY of the KING to the LORD LIEUTENANT for the EARL OF TYRCONNELL.

We have received from the trustees appointed by you and the Duke of Albemarle to manage the securities of the officers who served us and our Royal father before 5 June, 1649, an answer to our letter on behalf of the Earl of Tyrconnell, wherein they offer us a difficulty "from the opinion of their learned councell [counsel] in relation to their trust as incapacitating them to give such a release as may secure the said Earl. As in the first case we do graciously

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accept their said compliance abstracted from their trust, so, well knowing your readiness to concur therein, as the Duke of Albemarle and all those here, which we find concerned in our same security, have expressed theirs, we look upon the work we so much desired as done, and cannot doubt by your interposing in the same manner there to find that, since all the principal persons have yielded to our desire, there will not be the least opposition to any person to whom our pleasure shall be signified, which we entreat you hereby to do and to take care that the Earl is not disturbed in his possession," but quieted therein. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 135*a and* 136.

5 Aug. Council Chamber, Dublin.

The Lord Lieutenant and Council to Secretary Bennet.

I, the Lieutenant, recently received from one of the Commissioners of Settlement the enclosed writing signed by all the Commissioners and dated 21 July, 1663. Upon reading thereof at this Board we considered "the many great and dangerous inconveniences that may follow to His Majesty's affairs here and to the whole kingdom by a general restitution of Papists to their houses within Corporations, and . . . the advantage and safety to be rendered to the King and Kingdom by having the cities and corporate towns well secured." These more fully appear by the Council Board's letters, dated 18 July, 1661, directed to Secretary Nicholas and afterwards approved by the King in Council, a copy of 'a branch' whereof, we send you. We considered also that the Act (*p.* 18) provided that all of the Popish religion of any corporations who have been for public security dispossessed of their estates within any corporation, should be reprised, which was done, and that there is a clause in the Act (*p.* 54) providing that the Commissioners of Settlement are to obey such further instructions in this matter as they should receive from the King or ourselves. We therefore on 27 July ordered the Commissioners to cease restoring any Papists who were natives or inhabitants of any corporations to their houses or lands in corporations until we might, as now we do, represent the matter to your Majesty and receive your pleasure therein. I, the Lord Lieutenant, also request that my letters to you of 28 March and 13 June, 1663, on this subject be reviewed and offered for the King's consideration. *Pp.* 1½. *Signed by the* Lord Lieutenant and twelve members of the Privy Council. *Add. Endd. S.P. Ireland* 314, 52. *Enclosing—*

The Commissioners of Settlement to the Lord Lieutenant and Council.

We the Commissioners for executing the Act of Settlement "observing that upon the restitution of innocent Papists, His Majesty's letters have been produced unto us often of late, some for the restoring of all natives and inhabitants of some corporations to have their houses and lands being therein, as namely those of Kinsale and Youghal, some for

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restoring sundry persons to their houses and lands in spetie *within corporations, as namely within the corporation of Kilkenny, and some for restoring particular persons to their houses and lands in corporations, which, as we humbly conceive, will be such an inlett of Papists into corporations as the Act seems to provide against" think well to inform you of the matter that you may take such steps for stopping this course of action as you think fit. P. ½. Dated 21 July,* 1663, *at the King's Inns, Dublin. Signed (Hol.)—Richard Raynsforde, Edward Dering, Thomas Beverley, Edward Smythe, A. Broderick, Edward Cooke, W. Churchill. Endd. S.P. Ireland* 314, 52, 1.

"*Branch*" *of a letter from the Lords Justices and Council to Secretary Bennet, dated* 18 *July,* 1661.[1]

A petition was exhibited at this Board to-day by Sir Richard Blake, Sir Dominick White, Dr. Thomas Arthur, Patrick D'Arcy, Patrick Kirwan, and Nicholas French on behalf of themselves and of all the former inhabitants, natives, and freemen of the city of Limerick and town of Galway and of other cities and towns in Ireland, humbly praying us to give order for the execution of the King's pleasure declared by an order of 22 *May last. They represented to us that order and we send a copy of it and of the petition.*

On reading the King's letters we observed that it was represented to him that divers of his subjects who were formerly inhabitants of Limerick and Galway, and of other cities, towns, and places in Ireland "are only for difference of nation and religion not suffered to settle and traffic in those cities, towns and places," and the King by his letters directs that the respective former inhabitants, natives and freemen shall be forthwith restored to their accustomed privileges of trading by export and import and by wholesale and retail in their various cities, towns, &c., in Ireland as was permitted in the time of Charles I., and should not be subject to any interruption merely on the ground of nation or religion.

We should not say anything in this case if it were true that restrictions are placed upon these people merely on account of their religion. But the case is far otherwise. When we called Sir Richard Blake and the other petitioners before us to find out what it is that they expect, "they told us that they expected to be restored to those cities and towns as they were before the rebellion, and to their rights in having their parts in choosing magistrates of those places, and, being demanded whether they expected the return of all Popish natives and freemen generally into the cities and towns, whatsoever their actings have been in the rebellion since the 23*rd of October,* 1641, *it was answered that they expected their return generally." We remembered that in all former times of rebellion the cities and great towns were the places of refuge to which the English withdrew for safety, "that these were the places where all the public magazines and stores of the King's ordnance, arms and ammunition and other provisions of war were preserved, that as in former rebellions in this kingdom and particularly*

(1) Not preserved at that date, and therefore calendared here; but *see Calendar of S.P. Ireland* 1660-62, *pp.* 338-9.

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in the great rebellion of the Earl of Tyrone, begun in the time of the late Queen Elizabeth, the cities and towns, continuing in obedience to the Crown, were such countenance, comfort and stay to the Queen and King's armies in their marches, and for retreat upon all occasions and otherwise, as it became a great means whereby Tyrone was disappointed in his rebellious purposes; so in the late horrid rebellion in this kingdom, there was no one thing that contributed more to the diffusing and spreading of that rebellion throughout the kingdom and to the countenance and strengthening thereof and to the lengthening of the war and to the vast expense of blood and treasure for preserving this kingdom to the Crown of England, than the defection of most of those cities and towns, where very many of the English that either lived there amongst the Irish, or betook themselves thither for refuge, were pillaged and murdered, and for such of them as are maritime cities or towns they became inlets for the importation of arms, ammunition and other provisions of war for the rebels, and for the arrival of the Pope's Nuntio and the strengthening of those that joined with them against the King's authority; whereas if they had stood firm in their loyalty they might have prevented in a great measure those great and general mischiefs which befel this kingdom, in which great defection even those two places, namely the city of Limerick and town of Galway, were very active and early in shaking off the King's government . . . to the evil example of other places who quickly imitated them in their defection; and particularly for Limerick and Galway it is fresh in all men's memories here that the former disdainfully spurned against His Majesty's authority in the person of the Duke of Ormond then . . . Lord Lieutenant . . . and for the latter that they could not be contained in obedience by all the power and endeavours of the Marquis of Clanricarde, being then the governor of that town and county by the King's authority." We considered also that the reason why the Papist inhabitants are not allowed to come back is not for difference of nation or religion but because indeed "they have been involved in the guilts of the rebellion." Inasmuch as their former defection in those towns did so much to harm the King "so now in these unsettled times and in the present conjuncture of affairs both at home and abroad it is extremely dangerous again to put such opportunities into the same men's hands." . . . . . We also considered "that divers of those places lie open to Spain and other foreign parts [and] might give opportunity to foreign invasion which, if it should happen, would quickly cause an intestine rebellion and bring on the sad consequences of both." Moreover, we considered that the restoring of these inhabitants would do great injury to the officers who served before 5 June, 1649, since the lands now proposed to be restored had been allotted for their satisfaction if they have not been already allotted to adventurers also. Again, the restoration of these Irish Papist inhabitants would, if accompanied by a restoration of their privileges in cities and corporate towns, give them the right to elect all the citizens and burgesses for those places in future Parliaments, and how such a Parliament would behave towards the King's army "and whether there shall be any army or no, or how such army shall be maintained" besides other obvious consequences—all we can say is

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that we hope they will rather be prudently foreseen than sadly felt. On the whole we feel that the restoration of any Papists except such as are innocent and therefore within the provisions of the Declaration (and for many of these provision has already been made in Cork, Waterford, Limerick, Galway, and other towns) will be attended with many "high inconveniences and be of dangerous consequences to the King" and to the peace of Ireland. We have, therefore, respited the execution of the King's letters and lay the matter at his feet asking for his advice. Pp. 3½. *Endd.: "Examined* [?] *by Thomas Barry" and generally. S.P. Ireland* 314, 52, 2.

7 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT concerning EDMUND POWER, of Inchy, in the barony of Imokilly, co. Cork.

By your letters of 17 July last we allowed twenty-four persons, therein named, to put in fresh claims on the ground that no claims had been put in for them, or that their claims had been put in in their absence and without their authority. Sir William Penn, who possesses sevaral lands in the co. Cork, formerly in the possession of Power, informs us that Power's claim was fully heard by you and dismissed, so that he should not claim the benefit of the aforesaid letters. If this be so you shall not re-hear his claim. *P.* ½. *S.P. Dom. Signet Office V. p.* 436.

8 Aug. Whitehall. SAME to SAME for JAMES ROVANE and OTHERS.

We are informed that James Rovane, James Myagh Fitzjames, Francis Roche Fitzedward, John Fitzgerald, Maurice Roche Fitzjohn, John Roche Fitzpatrick, Patrick Roche Fitzmaurice, William Lombard, Andrew Morrogh, Robert Haley, Nicholas Skiddy, Stephen Roche and Patrick Sarsfield Fitzjames, all natives and inhabitants of Cork, have been heard before you and adjudged innocents. They shall be restored to their lands, houses and interests *in specie* in Cork and elsewhere in Ireland. *P.* ¼. *Ibid. p.* 432.

8 Aug. Dublin. LUKE GERNON to JOSEPH WILLIAMSON.

Mr. Page, the Lord Lieutenant's Secretary, has written to you on my behalf. I have been waiting a long time for my letter and various steps [*details given*] have been taken to secure its approval. I now ask for your favour and despatch.

I am so impoverished by non-arrival of the King's letter that I have now to "expect it upon charity." If you can get the letter sent over for me "I will engage upon the obtaining of the benefit thereof to transmit unto yourself a token of my gratitude." *P.* ⅔. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 53.

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8 Aug. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I ask for your favour for Mr. Browne, whose petition the bearer will put into your hands. *P.* ¾. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 54. *Enclosing—*

Francis Browne to Same.

Though I am not known to you, Mr. Lye's recommendation gives me confidence in appealing to you. My desire is that, having been found innocent here in the Court of Claims, I may be restored to my "little concernments within corporations" according to the enclosed letters. If this is not done for me, the judgment in my favour which I obtained in the Court of Claims, at great expense and with long attendance, will prove in a manner fruitless to me. But if I can get my letter before my decree is subscribed (which must be before 22 *August) I shall be put into a posture to get present possession. "Wherefore reposing my sole trust in your goodness (through the intercession of my worthy friend, Mr. Robert Lye), I send you a bill of exchange to receive* £10 *of Mr. Daniel Arthur, a known merchant in London, to be laid out for the fees and other concomitant charges." If any difficulty makes a greater expense necessary, I will make good whatever you signify through Mr. Lye to be due. "It importeth me much" you will consign the letter, and, if may be, a duplicate to Mr. Arthur on or before Saturday next, being the* 15*th of August, for to be conveyed unto me securely within the prefixed time. "I employ some friends namely Mr. John Bodkin and Mr. John Lynch or Mr. John Blake to solicit and put you in mind thereof. If you think it expedient either of them may bring you the contents of the said bill. I at first thought of petitioning the King, but find now that it is only necessary to present a letter and have [assent to] it obtained.*

P.S.—The business must apparently be settled by 22 *August, which is the cause of my importunity. Being sickly, I include in the letter the rest of my father's children and grandchildren. Only two of these claim as innocents. But if this be any obstacle, pray procure the letter in my name alone. In all, pp.* 2. (*Hol.*). *Dated Dublin,* 8 *August. Add. Ibid.* 54, 1. *Enclosing—*

Draft of the King to the Commissioners of Settlement for Francis Browne, of Galway.

Granting to him and to such others of the children and grandchildren of Andrew Browne (whose estate is mostly disposed of to transplanted persons) as shall be adjudged innocent restoration to the respective houses or lands in corporations which they owned on 22 *October,* 1641. *P.* ¾. *Ibid.* 54, 1*a*.

Same. THOMAS PAGE to JOSEPH WILLIAMSON.

Courtesies. The *custodium* pretended to by Captain Rosse and Mrs. Daunt has been in agitation almost ever since I came into this

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employment. Mrs. Daunt is recommended to me by many persons of quality and is a poor widow with children whom she cannot support. Captain Rosse did not persuade us that he had a commission to act in the other's name, and the Lord Lieutenant referred the matter to the Lord Chief Baron, who gave a sentence "Let it be neither thine nor mine, but divide it," and his Grace lately approved that verdict. I can only serve you and the captain by suffering new difficulties to emerge—as is generally the case with divisions—to entertain both parties till Captain Ross return, unless some potent hand engage for the other. I shall do my best for the Captain; but desire you to let him know that a good part of the advantage is like to be intercepted by the Bishop of Cork who lays claim thereto by deeds of near 300 years. *Pp.* 1½. *Add. Endd. S.P. Ireland* 314, 55.

9 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for JOHN and PATRICK FLEMING, merchants, of Dublin.

The Flemings' claim was rejected by you because they derived their title from Thomas Fleming, late of Dublin, merchant, instead of, as they should have done, from Thomas' son, Ignatius. You shall allow them to put in their claims again—in accordance with their petition—and shall hear them, provided they put in within three months from this date. *P.* ¼. *S.P. Dom. Signet Office V. p.* 432.

12 Aug. Dublin. SIR GEORGE LANE to [SECRETARY BENNET].

I am likely to suffer greatly by the decision [of the Court of Claims] unless you can procure relief for me from the King. The enclosed papers will show the severity I met with and how incapable Mr. Hore is of enjoying the King's favour. I could easily have made him appear "as arrant a Nuntio man as is in this kingdom," but he wisely "postponed" himself. I could have made his deed appear a forgery, which no doubt it is. The Lord Chancellor was ready to depose to have left it to the determination of the law.

P.S.—I send you several draughts mentioned in my Lord's enclosed. That concerning Sir Thomas Wharton will come by the next. I send you bills for the new Bishop of Cork and the new Bishop of Limerick. I believe Dr. Fuller sends you his another way. . . . . I do not think Milo Poore [Power] ever paid a fee to anybody in his life. Sir Thomas Jones promised me a bill, but I believe he will see you paid there by some friends. *In all, pp.* 1¾. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 314, 56.

Same. Receipt by William Burges [?] for £5 in part payment of a bill of "Exchainge" charged by Mr. Edward Greine upon Captain Richard Kingdom [Kingdon]. *Four lines.* (*Hol.*). *Ibid.* 57.

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12 Aug. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I am so glad to get your letters and those of your brother. I think I told you in my last how simple [simply] Mr. Relly ordered his business in dying before his letter could reach him, so now it will signify nothing if it comes after having put you to so much trouble. Here all things lie dead except for the Court of Claims, which works steadily every day. The prorogation of Parliament is rumoured.

P.S.—Sir Maurice Berkely has just come from the Council and tells me that the Act will not be ready to go over "yet in a month," and that Parliament, though prorogued till October, will not re-assemble till December. *P.* ¾. (*Hol.*). *Add. S.P. Ireland* 314, 58.

13 Aug. ENTRY of the KING to the TREASURERS of the Adventurers' moneys, for RICHARD BELLINGS.

By our letters of 1662, we ordered you to pay £3,000 to Bellings out of the fund coming into you in one year for relief of those who have most eminently acted for, and suffered with, us. Only £200 has been paid under this grant, and the fund has been used in other ways. Out of the first moneys that shall be paid upon the return of the valuation of the half-year's rents of the adventurers and soldiers, and out of the second half-year's payment to be made to us by adventurers, you shall pay him the balance of £2,800. Favourable clauses. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 161-2.

14 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for SIR JOHN CUTLER and SIR EDWARD HEATH.

We formerly wrote our letters of 28 November, 1661, to the Lords Justices "in favour of an iron work and a very considerable plantation of Irish in and about Enniscorthy in our county of Wexford, set up and maintained by Sir John Cutler, Sir Edward Heath and others, their partners, requiring that our Council there should countenance and encourage the said undertakers," and all employed by them, that they should be allowed to cut such wood as they might think necessary thereto and should be protected against the claims of all pretenders to the lands until such claims had been heard and determined by the Commissioners [of Settlement]. One Dudley Colclough, "who was the proprietor of the most considerable part of the lands purchased and improved by them as aforesaid," lately obtained letters from us to the effect that he and his son Patrick might put in a new claim to their lands. We now hear that Patrick Colclough [Dudley's son] was in Ireland and in good health during the whole time when he might have put in his claims, so that there is no reason why he should not have put them in within the prescribed time; but that Dudley did lodge a claim.

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They are both concluded by lapse of time, and the putting in of past claims leads to endless controversies. You shall therefore decide Colclough's case on the claim as put in before you, and not allow any fresh one to be put in. *P.* ½. *S.P. Dom. Signet Office V. p.* 438.

[About same.] The KING to the COMMISSIONERS of SETTLEMENT for JAMES SHORTALL, of Ballylorkan [Ballylarkin], co. Kilkenny.

Directing that he be allowed to put in a fresh claim and be speedily heard. *P.* ¼. *Undated, but entered next foregoing. P.* ¼. *Ibid.*

Also note of docquet of same. *S.P. Ireland* 312, *p.* 104.

Same. SAME to the LORD LIEUTENANT for JAMES, EARL OF CASTLEHAVEN.

Directing that, for his encouragement and reward, the annuity of £20 per year granted to George, Earl of Castlehaven by letters patents of 6 September, 1616, be continued to him and his heirs males. *P.* ¼. *S.P. Dom. Signet Office V. p.* 439.

14 Aug. ENTRY of SECRETARY BENNET to the LORD LIEUTENANT.

This goes to you by the messenger who brought yours in which you stated that you had engaged the King and yourself to Mr. Harvey for the farm of the customs if nobody made an offer substantially larger than his. But the matter being mentioned in the Lord of Anglesey's instructions, and falling so into the care of a Committee of the Council Board, it was offered to them to give the King £53,000 at six years, Mr. Harvey's partners not offering more than £50,000 at five years. The Council, on report from the Committee, thought this a large increase, and I am directed to inform you of it and recommend Mr. Morice's [company?] for six years farm to your Grace, but leaving the whole thing to you. You are also to examine the validity of the security of both sides and determine the matter as you think fit. *P.* 1. *S.P. Ireland* 312, *p.* 142.

15 Aug. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

Details. A former letter of mine will show that, for the want of caution I have now received from you I have done in the case of the seditious ministers the very opposite of what the King would have had me do, and made it a condition of their enlargement that they would quit this kingdom, where in truth, I thought they would do most hurt "by reason of the long acquaintance and credit they had gained amongst the people and that here men were more prepared to receive their disloyal doctrine than either in England

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or Scotland—by reason of the loss of the estates some were possessed and thought themselves sure of, and the apprehensions of many others that the case will be theirs. Upon these apprehensions and suggestions the last plot was, and all other plots here from the English or Scotch will be grounded"; and to let them out merely upon caution given of their good behaviour will by no means secure us against them. They will become martyrs in the eyes of the public and will be able to corrupt people in a way which the law cannot discover or punish. Besides "most of these are such as ordinarily go and come out of Scotland and belong as much or more to that kingdom than to this." Having spoken my mind I shall take steps to modify my orders in the sense that they need not leave this kingdom, which they take to be too great a hardship to do it suddenly, and for good; and by the next opportunity I shall hope for further orders from the King.

I have heard from Lord Anglesey of his audiences and that I am not to reckon on the whole £60,000, deduction being made of so much as the advancing of it can be agreed for. I cannot judge whether it is better to accept such terms or to put up with whatever delay there might otherwise be in waiting for payment. But every deduction will damage the measures we have taken in anticipation of the full sum.

I understand that the King intends that the 500 men shall be landed here without charge to our Exchequer. If this is not so I do not wish them to come. As to the expedient for bringing over the rest of the men, I do not think it is practicable. Very few officers, however loyal, can be entrusted with dead pays, nor can the proportions of those dead pays be easily so computed that it will be too much or too little. Moreover it would not be safe, even for a time, and especially now, to weaken the army already very weak, to answer the charge of bringing the men hither; so that (on the whole matter) I doubt that design should [?] be laid aside, how great a security soever it would be, unless it be possible to have these men transported without charge to the revenue. The revenue cannot bear it.

The Commissioners for trying more conspirators and those who concealed them is now in reading, but the trial will be adjourned till the return of some of the judges from their circuits. I hope, after the new Act is transacted, "to get into the country for a few weeks to recover some health which the want of air and exercise has taken from me. I join with your prayer that we may only hear of, and not feel, a war, and that we may see a pledge of our peace in a young Prince." *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 314, 59.

15 Aug. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I had given Colonel Churchill a copy of your proviso in the new intended bill in which he has found a material error which had been overlooked. You will perceive its relevance from the enclosed draft. If the part stroked [*i.e.* underlined] had been left

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out it would indeed have left as foul a flaw in your proviso as was left in your Act. In this matter I await your your further orders. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 60. *Enclosing*—

Draft Proviso in favour of Secretary Bennet.

Forasmuch as some of the former proprietors of estates for whom His Majesty doth provide by this Act may not be thought fit by the Lord Lieutenant, &c., &c., to be restored to their estates in specie, *where such estates formerly lay, but be transplanted, and their satisfaction for the same placed elsewhere: Be it therefore enacted, &c. . . . that if Lord Viscount Clanmalira be not thought fit to have and enjoy the same estate which he had on* 22 *October*, 1641, *the present possessors of the same be immediately removed and Sir Henry Bennet &c., &c., who had formerly a grant from His Majesty of the reversion of the said lands put into present possession thereof, "and shall and may hold and enjoy the same to him and his heirs [for the space of three thousand years fully to be complete and ended under such conditions, rents and reservations as in the said grant expressed].*[1] *The now possessors thereof if found reprisable shall be forthwith reprised for the same. Lord Clanmalira shall be compensated with other lands of equal value elsewhere. If, however, the Lord Lieutenant, &c., thinks that Lord Clanmalira is fit to enjoy his said estate, then, before he be put into possession thereof, Sir Henry Bennet shall have full and equivalent satisfaction for these lands elsewhere. Pp.* 1½. *Ibid.* 60, 1.

15 Aug. Entry of Secretary Bennet to the Lord Lieutenant.

I have sent you some information of the question of the farm of the customs. I hope you are well of the gout.

The King awaits anxiously the new bill, which he hopes will give a better settlement of the kingdom than yet appears by the former. When sent here it will be promptly dispatched. In considering the matter you should remember that the King will be absent from hence with the Queen at the Bath, and the Lord Chancellor at his country house for at least a month's time from this date. The date of the King's departure is not yet settled, but the Lord Chancellor will certainly start on Thursday next, the 20th.

The King leaves to your discretion the giving or refusing the leave which the Commissioners [of Settlement] ask to go into England.

In my last I told you the King did not desire the factious ministers to be sent to England or Scotland. Both countries already abound in them. You should think of some other expedient.

The King approves your imprisoning them and disarming the kingdom and promises you a dormant power to dissolve Parliament, in case you should find it troublesome on this or any other

(1) The words between brackets are those "stroked" as referred to in the covering letter

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great points of state. Send a draft of such a letter that it may be drawn as you wish it.

The King accepts very readily "your Grace's compliments on behalf of your son, my Lord John and is glad he is so faultless a young man that there can be no ground to justify the banishing him into this kingdom."

We are glad you are on new discovery of the old plot. The plotters must have had some correspondence here, as several people here bragged of their hopes from it.

No orders have gone hence for restoring innocent Papists to their houses in towns since your and the Council's letters, deprecating such restoration have reached us. I had last week the Council's letter in answer to that written in favour of the Marquis of Antrim, which I could not resist now he is a little quiet. But he will not be so long; nor could anybody easily digest so great a loss. I suppose Lord Tyrconnell is in the same mood. "The King is gone this evening again to Tunbridge to fetch the Queen back on Tuesday next, after which both their Majesties will fix a day for their going to the Bath, the King as a Volunteer only with the Queen to begin the thrift he is resolved on, towards which his purpose is to dissolve his household that he may erect it again upon a foot more agreeable to his present condition. He foresees there will be scandal and noise at this dissolution, but will rather submit himself to both than continue any unnecessary expense at a time that furnishes money so sparingly, and discontents in such abundance." *Pp.* 3⅔. *S.P. Ireland* 312, *pp.* 144-7.

15 Aug. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for KATHRINE HARBERT.

In the exercise of the powers reserved to the Crown by the Act of Settlement, directs them to hear Harbert's claim if it be put in within three months. *Six lines. S.P. Dom. Signet Office V. p.* 437.

Also note of docquet of same. *S.P. Ireland* 312, *p.* 137.

Same. SAME for MICHAEL JANS, of Dublin, and FRANCES, his wife.

They had two claims before you, and one—which stood in the name of Michael alone—was dismissed by you owing to some doubts which arose. This claim may be re-entered in the names of Michael and Frances and, when so re-entered, shall be heard by you. *P.* ¼. *Undated. S.P. Dom. Signet Office V. p.* 437.

Also entry of same dated 15 August. *S.P. Ireland* 312, *pp.* 139-40.

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15 Aug. Dublin. The KING to the COMMISSIONERS of SETTLEMENT for ULICK WALLE, of Ballynekill, co. Carlow.

His first claim was improperly put in for want of knowledge of his writings, &c. You shall allow him to put in another and give it a favourable hearing. *P.* ½. *S.P. Dom. Signet Office V. p.* 437. Also entry of same. *S.P. Ireland* 312, *pp.* 136-137.

Same. ENTRY of SAME to SAME for RICHARD, EARL OF ARRAN.

Directs that as the Earl shows "hopeful parts" and "early zeal and affection" for the Royal interest, he shall be made a Privy Councillor for Ireland. *P.* 1. *S.P. Ireland* 312, *pp.* 138-9.

Same. ENTRY of SAME to SAME for the DUKE OF YORK and URBAIN, and EARL OF ULSTER.

Some part of the estate of our brother, the said Duke, is set by lease to Sir Maurice Berkely, P.C. in Ireland. We order you, as often as there shall be occasion, upon the restitution of proprietors to any of his said lands held in lease by the said Sir Maurice, to order and set out to him [Sir Maurice] reprisals of equal value to the lands from which he shall be removed by your order. This is in accordance with the special provisions of the Act of Settlement in the Duke's favour. *Pp.* 1½. *Ibid. pp.* 140-1.

ENTRY of PETITION of MOROGH, EARL OF INCHIQUIN.

Petitioner, on arriving in London, finds his brother Colonel Christopher O'Brien "under a confinement at the instance of the Ambassador of the King of Portugal, who hath also given out that he hath something to lay to the charge of your petitioner in his deportment to that Crown."

He asks that the Ambassador be desired to bring before the King his charges, and such evidence thereof as he has, against petitioner and his brother. Petitioner is confident of his own and his brother's innocence.

17 Aug. Whitehall. The King directs that, as he has considered the facts alleged by his Excellency the Portugese Ambassador and finds that they prove nothing definite "but suspicions amongst the ministers of the King of Portugal, as if the said Colonel had an intention to desert that service and pass over to the King of Spain's, which are supposed to have been given them the said ministers by the motive of some enemy of the said Colonel" I [Secretary Bennet] am to declare that his good opinion of the Earl and of his brother is undiminished and that he will do all things that may offer for their advantage. *Pp.* 1½. *Signed by* Bennet. *S.P. Dom. Entry Book XIII. pp.* 345-6.

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18 Aug. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

I have nothing to add to my last on Saturday.

The King has been out of town since and is this moment returned with the Queen—both in good health, God be thanked.

In my last I forgot to speak to you of Granger, whom by William Legg's advice I put into Garrett Moore's hands, from whom it seems he escaped upon my Lord Gerrard's accusation. He has since written that if he may be free from Lord Gerard's anger he will render himself again. I have leave from the King to say he shall be free if he performs the services promised by him to you, and will do so when Garret Moore comes to me about him, which he delays doing. The truth is I have told him I will imprison Garret Moore unless Granger be produced, supposing your Grace will be able to make good use of him, especially if this new bill pass as some represent it. Many people say that this bill will no more bring a settlement than the last, which I am sorry to hear, as we cannot be quiet when you are restless. I am sorry the Lord Chancellor is to be away in the country when your bill comes over. *Pp.* 1½. *Entry. S.P. Ireland* 312, *pp.* 148-9.

19 Aug. ROBERT LYE to JOSEPH WILLIAMSON.

Recommends a friend and hopes that his recommendation will be effectual. *Pp.* 1½. (*Hol.*). *Add. S.P. Ireland* 314, 61.

ENTRY of PETITION of the EARLS OF INCHIQUIN and CARLINGFORD and of JOHN, LORD KINGSTON.

The chimney [money] arises in Ireland to only £20,000, They offer £24,000 for it for ten years and £30,000 for eleven years. They desire a grant under the Great Seal.

21 Aug. Whitehall. The King directs reference to the Lord Lieutenant of Ireland, who may do as he thinks best for the King's service and report on the matter for His Majesty's further consideration. *P.* ½. *S.P. Dom. Entry Book XIII. p.* 343.

Same. SAME of ELLEN FITZGERALD, wife of JOHN WARE, and of MARY WARE [?].

Desire recommendation to the Lord Lieutenant of Ireland.

The King refers them to the Lord Lieutenant, who shall award petitioners so much for their support out of "the said Holliwood's" estate as he thinks fit. *P.* ½. *Ibid. p.* 344.

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21 Aug. ENTRY of the KING to the LORD LIEUTENANT for ROBERT WARD.

When Colonel Henry Bishop gave up what interest he had in the post office of Ireland we by letters patents dated 19 April, 1663, appointed Daniel O'Neale, a Groom of our Bedchamber, to succeed him for a certain time, who, by our instructions, is to settle "it" on such persons as have been constantly loyal to us and our father. Samuel Bathurst, who was appointed postmaster by Thurloe, under the late usurpers, and who served under Scot, Secretary to the remnant of the pretended Long Parliament after the deposing of the usurper Richard Cromwell, is now controlling the post office and pretends that he has a contract with Colonel Bishop for three years yet to come; but the Attorney-General, who has perused the contract, says that it is only a deputation and ends with Bishop's resignation. You shall command Bathurst not to obstruct Ward [who has been deputed by O'Neale to manage the office] in the execution of his functions as postmaster. *Pp.* 1½. *S.P. Ireland* 312, *pp.* 150-151.

Same. NOTE of direction to the Lord Lieutenant that Sir Robert Byron have a lease of Argaule More [Ardgowl], &c., in co. Limerick. *Four lines. Ibid. p.* 153.

General date DOCUMENTS RELATING TO THE CASE OF THE MARQUIS OF ANTRIM.

22 Aug. The Marquis of Antrim to Joseph Williamson.

The Queen Mother has moved the King that my late letter for restoration may be renewed and immediately directed to the Commissioners of Claims. This was always my desire though not approved of by my Lords Referees. The Irish Council now delays transmitting the letter, the time of my trial drawing near, so near that unless the King's letter is sent by next Saturday's post, I shall have no benefit of it. The Queen has also prepared Mr. Secretary Bennet to send it with all possible diligence. I am sorry that I am not able at present to requite the frequent trouble which I have given to Mr. Secretary and you; but hope to be able soon to do so. I beg you to believe this, and not to weary of my concernments. *Pp.* 1¼. (*Hol.*). Dated 30 July. *Add. Endd. S.P. Ireland* 314, 62.

The King to the Lord Lieutenant for the Marquis of Antrim.

"How far we have been from interposing on behalf of any of our Irish subjects, who by their miscarriages in their late rebellion in that kingdom had made themselves unworthy of our grace and protection is notorious to all men; and we were so jealous in that particular, that shortly after our return into this our kingdom when the Marquis of Antrim came hither to present his duty to us" we refused

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to admit him into our presence owing to the representations of those who said that he had misbehaved himself towards us and our father. We even committed him to the Tower, and after keeping him strictly there for several months sent him back to Ireland, there to take his trial and such punishment as he might deserve. We still believed that some "heinous matter" would be proved against him, rendering him incapable of our favour, which we knew his former services had merited. After many months attendance there and, we presume, after such examinations as were thought requisite, he was dismissed without any censure, and no charge against him was transmitted to us. We then thought it time to reward him for his loyalty to and sufferings in our cause, and recommended him to you, that you and the Council should send over a bill for restoring him to his estate as has been done in several cases in Ireland. You answered that you had considered the matter in Council and that you were unanimously of opinion that such a bill should not be transmitted, and that you would send your reasons for such opinion. We then received a petition from the Marquis of Antrim which we referred for consideration to certain Lords of the Privy Council named in our order of reference. These heard the Marquis, and decided not to report until the letter containing your objections had arrived. We have received by letter of the 18th March several petitions that had been presented to you by the soldiers and adventurers, and by the Marchioness of Antrim. These we referred to the Lords Referees together with a further petition from the Marquis of Antrim, which is here enclosed, directing them to hear the Marquis of Antrim and report to us on the case. We afterwards, on receiving a further petition from the Marquis, ordered them to expedite their report, so that it is evident that we would not decide this matter without full information. Our said referees after several meetings, and perusal of what has been offered to them by the Marquis of Antrim, have reported "that they have seen several letters all of the handwriting of our Royal father to the said Marquis of Antrim, and several instructions regarding the treating and joining with the Irish in order to the King's service by reducing them to their obedience and by drawing some forces from them for the service of Scotland; that besides the letters and orders under His Majesty's hand they have received sufficient evidence and testimony of the several private messages and directions sent from our Royal father, and from our Royal mother with the privity and by the directions of the King, our father, by which they are persuaded that whatsoever intelligence, correspondence or actings the said Marquis had with the Confederate Irish Catholics was directed or allowed by the said letters, instructions and directions and that it manifestly appears to them that the King, our father, was well pleased with what the Marquis did after he had done it and approved the same."

As this is so, and as there is nothing proved against the Marquis upon the first information, nor anything contained against him in your letter of the 18th March, and as he has put in his claim before the Commissioners of Claims, and as you are unwilling to send over

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to us a bill such as is desired (it being needless if he be innocent and improper for you to send if he be nocent) we have considered the petition of the Adventurers and soldiers which you have transmitted to us. Their equity consists in nothing but that they have been peaceably in possession for seven or eight years of the estate of the Marquis and of others who were all engaged in the late Irish rebellion, and that they will be ruined if these lands are taken from them and given to others. "And we have likewise considered another petition from several citizens of London, near sixty in number, directed to ourself, wherein they desire that the Marquis's estate may be made liable to the payment of his just debts that so they may not be ruined in favour of the present possessors who, they say, are but a few citizens and soldiers who have disbursed very small sums thereon. Upon the whole matter no man can think we are less engaged by our Declaration and the Act of Settlement to protect those who are innocent and have faithfully endeavoured to serve the Crown, how unfortunately soever, than to expose to justice those who have been really and maliciously guilty. And therefore we cannot but, upon the petition of the Marquis of Antrim, and after the serious and strict inquisition into his actions, declare unto you that we do find him innocent of any malice or rebellious purposes towards the Crown," and that his correspondence or compliance with the Irish was in the late King's service, and warranted by the instructions and trust which the late King gave him. You shall communicate this letter to the Court of Claims that so they may know our judgment in the case of the Marquis of Antrim. *Pp.* 3. Dated 10 July, Whitehall, *S.P. Dom. Signet Office V. pp.* 420-423.

Also three drafts of same. *One in* Antrim's *hand, pp.* 3, *underwritten:* "Mr. Williamson. Pray let this be the draft, Antrim," and directed by Secretary Morice to the Commissioners of Settlement. *The other pp.* 4½, *endd. S.P. Ireland* 314, 63 *and* 64. *The third pp.* 4$\frac{1}{10}$. *Ibid.* 68, *pp.* 1-5.

Petition of the Marquis of Antrim to the King, showing that:—

"Since your Majesty's most happy restitution you have been pleased so to enlarge your goodness to all your people that you have thereby gained the title of a most glorious and merciful Prince to the great establishment of your Crown and people's hearts. But, while the whole land and nations are overflown with this grace, your petitioner finds his fleece dry and himself broken with the deep apprehensions of your displeasure, which hath more imprisoned his soul than his body. The affliction is infinitely increased because the particular grounds of your Majesty's displeasure against the petitioner are not made known to him, the ignorance whereof puts him on a more cruel rack than any else in the Tower, to wit one hourly and severe inquiry into the several actions of his whole life; and when he hath with infinite restlessness tormented his soul in the search, he can have no assurance to find what or where his wound is; or where it lyeth." Accordingly he cannot prepare his defence. Even the vilest prisoners are allowed to know the charge against them at some convenient time.

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The petitioner "in this public harvest and glorious abounding of your mercy, most humbly beseecheth that he who hath adventured both life and estate in your father's service may not be excluded from those favours which you have not only indulged but engaged to his and your own adversaries."

He prays that the charges against him may be made known to him and that he may have an audience of the King in which he will prove that he never acted but according to the late King's command. *P.* 1. *Endd. S.P. Ireland* 314, 65. [*About end of* 1660, *when the Marquis of Antrim was in the Tower.*]

Copy of Petition to the King of Rose, Marchioness of Antrim, showing that:—

Petitioner had an estate settled on her by her late father, Sir Henry O'Neille, which is now enjoyed by her and not in the hands of adventurers and soldiers. Her father, at the time of his death, owed debts to several persons, and some of these debts have been paid by petitioner. All the estate being waste, the petitioner was compelled to make long leases in order to get the land well inhabited. If she should only have daughters she cannot raise portions for them, secure her father's debts, or perform her obligations to the lessees without suffering a common recovery. Her kinsman, Cormack O'Neille, purposely to frustrate her intentions therein, pretends to entitle the King to a forfeiture of his remainder of the estate, whereas there is no ground of forfeiture, and if there were, the petitioner hopes that she would be thought worthy of the King's favour herein, rather than that the estate should go to one who intends to stop the payments of her father's debts and the uses before mentioned. She also hopes that she and her husband will have occasion to put in claims or amend claims already put in, before the Commissioners in Ireland.

She prays that the letter lately given to Cormack O'Neille be recalled and that she be left to carry out her designs in regard to the estate; also that she may be allowed to put in claims or amendments of claims during the sitting of the Court of Claims, which she will do so soon as she and her husband are ready for their trial. *P.* 1. *Endd. Ibid.* 66.

Memorandum in regard to the foregoing petition.

On reading this petition the King declared his dislike that any of his subjects should be put out of their estates unheard and especially the Marchioness of Antrim. His letter did not intend to interfere with her rights or limit the Marquis's privilege of Parliament. The petition is referred to the Lord Lieutenant of Ireland, who shall see that the petitioners [*sic*] or their tenants are not dispossessed or disturbed, or any waste committed until the petitioners are legally evicted. Any rents taken up already by illegal proceedings shall be returned to the petitioners subject to repayment if they should be legally evicted. *P.* 1. *Add.* "For Mr. Godolphin." *Ibid* 67.

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The Lord Lieutenant and Council to [Secretary Bennet].

On the 20th, I the Lieutenant received the King's letters of July 10, regarding the Marquis of Antrim. They were not directed to the Commissioners of Settlement as is usual in matters which those Commissioners are concerned, but are directed to us to be forwarded to the Commissioners. We assume this to mean that if we "your Majesty's servants here upon the place" should find more in the Marquis of Antrim's case than is taken notice of in the King's letters, we should represent the same to him.

And yet the former custom here was—especially in the times of King James I.—that if any direction came from the King which in its execution might prejudice his service the same was stayed until it was represented to the King by the chief governors here. This is also the rule laid down in my (the Lieutenant's) instructions, particularly in things relating to the King's revenue which are like to be greatly lessened in the present case. Our delay is also in accord with the view expressed in the letters from the King's Privy Council to the late Justices and Council here dated 12 August, 1661, wherein the action of these justices in demurring to carry out at once certain instructions received from the King is approved. We therefore think that we are justified in withholding the King's letters from the Commissioners of Settlement until we have represented to the King certain matters which do not seem to be known to him or to those Lords of the Council to whom the petitions of the Marquis of Antrim, mentioned in the letter, were referred. The grounds of the King's action in writing the letter were:—

1 That the Marquis, after many months' attendance here and (as the King presumes) after such examinations as were requisite, was dismissed hence without any censure, and without any transmission of charge against him to England or anything proved on the first information against him or contained against him in our letters of 18 March

2 The report of the Lords of the Privy Council to whom the petitions of the Marquis of Antrim were referred.

3 That the true case of the Marquis is as stated in "those letters" [*i.e.* the King's of July 10, *above pp.* 208-9].

As to the first charge we find that on December 19, 1660, when the Marquis was a prisoner in the Tower, the Privy Council of England wrote to the Council here saying that the Marquis had asked to be allowed to answer the charge made against him of having cast aspersions on the late King, and that they should send over authentic copies of any letters or writings in their possession which concerned this foul charge against the said Marquis; and that the Justices should appoint persons to take any evidence which might be obtainable against the Marquis and should send such evidence, duly attested by those who had taken it, to London. Acting on these instructions the Lords Justices issued a commission to several persons to take evidence, and that evidence which they had taken was sent over with their lordships' letters of 20 February, 166$\frac{0}{1}$. On 29 March, 1661, the King directed that, in order to further proceedings against the Lord of Antrim, this evidence should be returned hither; and on 10 July, 1661, the

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Justices received letters from Secretary Morice saying that he was directed to return the papers concerning it. These papers consisted of the examinations aforesaid and of other papers formerly sent from hence thither.

The matter went no further before my (the Lieutenant's) arrival here, but on 8 August, 1662, Lord Santry, Lord Chief Justice of the Court of Chief Place here, made a report on the examinations, and on 18 August, 1662, upon petition of the Marquis to this Board, it was ordered that the Lord Chief Justice should cancel the recognizances which had been acknowledged here by the Marquis and his sureties. As to the charge that the Marquis aspersed the late King we beg to send the examinations. We were not willing to press the matter against him, and therefore there was no censure here. There is nothing against him in our letters of 18 March, as we did not think it right in those letters to object anything of crime to him. Our view was that we should address ourselves only to the matters then under consideration, and to telling the King what had happened at the hearing of two petitions, one by the Lady Marchioness of Antrim, the other in the name of several adventurers and soldiers and their assigns, &c. We did not think the Marquis would press the King to give a rule in contrary [*sic*] of the Act of Settlement, but believed that he would be ready to take his trial in accordance with the provisions of that Act, which (*p.* 116) gives him the same remedy as Viscount Nettervill, Viscount Gallmoy and others. We did not know that the Marquis's case was under consideration in London, so that we ought to give information as to those things on which we must now inform him.

As to the second point we acknowledge that the Lords of the Council acted honourably and justly on the facts before them, but we contend that the whole truth was not known to them. In this matter we may not now be silent, "for I the Lieutenant do well know that the peace made by me in this kingdom in the year 1646, and that made by me in the year 1648, and both by the authority derived from His Majesty's Royal father . . . . were both opposed by the said Marquis of Antrim, who continually joined with the Pope's Nuntio and his adherents against His Majesty's authority then entrusted with me the Lieutenant, and appeared active in all assemblies and Councils wherein he was present in open opposition to all members of those Assemblies and Councils who endeavoured to incline the people to submission to the peace" whilst I, the Lieutenant, was endeavouring to reduce the people to submission and to induce them to give assistance to the King (whereof he stood then in the greatest and most imaginable necessity); "and when the Marquis of Antrim, with the Pope's Nuntio and clergy's party and their adherents, laboured industriously to withdraw them from that obedience and assistance to His Majesty, and so far prevailed therein as when things were in a way and tendency towards sending 10,000 men to His Majesty's assistance, the Lord of Antrim declared openly in the Confederate General Assembly that not a man should go out of the Province of Ulster. And in the end both those peaces were by

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their disloyalty to His Majesty, and by the continuance and contrivance of the said Marquis, rendered fruitless, and what great and general evils followed thereupon to His Majesty and all his kingdoms, we will not grieve you by the repetition of them. Whence it was that, in the Act of Settlement, it is enacted (*p.* 37) that such as at any time adhered to the Nuntio or clergy's party, or Papal power in answer to the King's authority, shall not be restored as innocent Papists. And this being the Marquis of Antrim's case, how far it may be fit for His Majesty (in the greatest humility we mention it) to direct (contrary to the Act of Parliament) that the Commissioners upon those His Majesty's letters should proceed to find him innocent from any malice or rebellious purpose against the Crown (for so the letters seem to imply) " and that, too, without even leaving power to the Commissioners to examine matter of fact pursuant to the said Act of Parliament—we submit to the King's great wisdom ; " and as we humbly conceive it not to be imagined that his late Majesty (a prince of most eminent honour and prudence) would privately instruct the Marquis of Antrim to oppose the conclusion of those peaces (for the obtaining whereof His Majesty had given public authority to me the Lieutenant) or that ever he gave any subsequent approbation appliable to that opposition which tended to his said Majesty's utter ruin. And if the King did so instruct the Marquis with a view that, having by his friendship gained credit amongst them, he should afterwards use that credit to prevent them from violently opposing all efforts tending to the reduction of the Irish Confederates to their obedience, it cannot be supposed but that either the late King or the Marquis, for his own safety, would have communicated this intention to me (the Lieutenant) himself. The conclusion of this point is that the Marquis in opposing all my efforts at peace in taking the oath of association from those who repudiated that peace and in being of the Supreme Council (in which capacity he signed several letters to me—and this without the slightest intimation to me of his alleged purpose) cannot have had any authority from the King.[1]

We could have forborne to say these things if silence had been consistent with our duty.

A new Act for supply of the defects of the Act of Settlement is now before us and has been so before us for a month, the object of which is to give reprisals for the estates of justly restorable persons and it is plain to us that if the Marquis is declared innocent " and that in so extraordinary a way as it would be contrary to the Act of Settlement . . . . the ends of that intended Act . . . . will become in a very high degree disappointed." This would be a general and very grave inconvenience. When we had got thus far in our letter a petition of the Adventurers and soldiers and their assigns concerned in the estate lately belonging to the Marquis of Antrim was laid before us. It contains matters which we think should be made known to the King on this occasion, and we therefore

(1) A long sentence here is not grammatical, but the sense is, I think, fairly given.

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send the petition hereinclosed. We shall be obliged by a prompt signification of His Majesty's pleasure in this matter. *Pp.* 6. *Signed* (*hol.*) *by the* Lord Lieutenant, Archbishop of Dublin, Lord Chancellor and fourteen Councillors; dated Council Chamber, Dublin, 31 July, 1663. *Endd.: S.P. Ireland* 314, 69. Also copy of same. *Pp.* 8. *S.P. Ireland* 314, 68, *pp.* 5-13. *The original encloses:—*

Petition to the Lord Lieutenant and Council of Lord Massereene and others, the Adventurers and soldiers and their assigns concerned in the estate formerly belonging to Randall, Marquis of Antrim, showing that:—

The petitioners, having been in possession of the said estate on 7 *November*, 1659, *considered themselves to be confirmed by the late Act of Settlement in their several interests in it. Yet, there being a particular proviso in the said Act for restoring the said Marquis in such form order and no other as* [*that by which*] *Lords Nettervill and Galmoy are restored to their estates, the petitioners most cheerfully submit to the same, but the Marquis, thinking it wiser to pretend to innocency, has since put in his claim accordingly. Yet, distrusting his innocency, he has, as petitioners are informed by several nearly related to the Marquis, procured letters of grace and favour from the King to the Lord Lieutenant and Council wherein the King declares him innocent. The said letter directs the Lord Lieutenant and Council to transmit it to the Commissioners of Settlement that they may judge accordingly.*

The petitioners think that if the King had been informed of the full facts of the case this letter would not have been granted. The finding innocent of one who was nocent under so great aggravations would gravely prejudice several English Protestant families who have settled and planted the estate on the faith of the said Marquis being guilty.

The petitioners therefore pray that before anything is done which may interfere with the operation of the Act, the Lord Lieutenant and Council will recommend their condition to the King by mentioning to him the ensuing particulars, which are merely a few of those they are able to prove according as the Act directs.

They therefore crave leave to offer it to your consideration that besides the allegations of several of the rebels who say that his Lordship was one of those who should have surprised the Castle of Dublin in October, 1641, *and besides other things which he confesses, he sat in the Irish Parliament of* 1641 *and urged that the rebels should be called not rebels but "discontented gentlemen."*

That in 164½ *the Marquis kept correspondence with "that notorious murderer" Rory O'More, then assuming the style of General of the Leinster rebels, not having any licence from the Royal authority then in this kingdom for so doing.*

That in the beginning of 1642, *the Marquis went to several of the rebels' garrisons, encouraged them, gave money to private soldiers and urged them to fortify themselves against Sir Charles Coote, deceased, who was coming* (*as he said*) *with part of the King's army to destroy them.*

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That about the same time the Marquis went into the counties of Tyrone and Armagh where the chief strength of the bloody rebels "were," and thence into the county of Londonderry where he had an interview with Sir Phelim O'Neill, "that notorious person and then head to the northern rebels, with whom he had long consultation and likewise lodged at the same home in one bed with the said Sir Phelim."

That afterwards, in the same year, he was received into co. Antrim by a party of Irish rebels, "followers to the said Marquis," who were most bloody and barbarous murderers of the English and Protestants in those parts.

That these things were done before the Marquis had or can pretend to have had any such authority from the late King (who hated those bloody rebels) as the Marquis would pretend to.

That the Marquis took that pernicious Oath of Association so directly opposite to His Majesty's Government.

That he sat in the assembly of the rebels, was sworn of their Supreme Council, and accepted a commission to be their General.

That the Marquis protested in open assembly against the peace of 1646, *urged a declaration against it, and endeavoured that those who would not accept this declaration should be put from the said Confederates' Association, alleging that the cause was so good that it feared no opposition. This declaration when published "wholly obstructed those reliefs expected and intended for His Majesty as the fruits of the said peace, which," petitioners conceive, "could not be consonant to those instructions he pretendeth to have received from His late Majesty."*

"That the said Marquis joined with the Pope's Nuntio (who placed on him several marks of his favour by supplying him with moneys and otherwise) thereby endeavouring to subject His Majesty's authority to the Pope's usurpation."

That the Marquis did his best to obstruct the peace of 1648[-9] *and joined with Owen Roe O'Neile, "that grand opposer of the said peace and His Majesty's services in this kingdom."*

"That not long after that usurper, Oliver Cromwell, arrived in this kingdom, the said Marquis then unmasked his whole design against His Majesty's government, by using his utmost endeavours to serve and assist Ireton and the usurper's adherents against His Majesty's forces in this kingdom, not sparing (officiously, of his own mere motion, for better ingratiating himself with the said usurpers) to cast such reflections on his late sacred Majesty as your petitioners tremble to mention them." For these actings the usurper gave him a stipend of £500 *and after of* £800 *a year as well as a considerable estate in Connaught.*

Leaving aside other matters (which they are prepared to prove) the petitioners ask whether the Marquis' corresponding with the rebels in the first two years of the war—whilst the petitioners (either the remainder of the Protestants in the kingdom or those who had been sent from England under the Marquis of Ormond's conduct by that King) were loyally fighting against those "barbarous rebels," whether his solemn taking of the oath of Association, which was absolutely

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to bring in the Pope's authority, his sitting in the assemblies, his swearing the oath of a Supreme Councillor, his acceptance of a commission as General of the Confederate Catholics, his obstruction of the peace of 1646, *his joining the Nuntio and the Council and Congregation of the Clergy set up purely by the Pope's authority in opposition to that of the King and to the treaty of peace with your Grace in the year* 1648, *his non-submission to that peace, his final joining with the usurpers rather than submitting to the King's "then visible authority in this kingdom residing in your Grace" —do not prove that the Marquis cannot have informed the King of the full truth of his demeanour. If so, can he claim consideration from the King? The petitioners leave the matter to the King's judgment. The surprise now put upon them is likely to overwhelm them. Moreover* 160,000 *acres in Ireland which now pay quit-rent to the King will cease to do so if the Marquis is restored. Many of those who occupy these lands were loyal to the Crown even in the late time of usurpation, and they will be ruined if the Marquis is now restored. They pray that the Marquis may have his case tried by the rules of the Act of Settlement, upon which, and upon the King's other public declarations, they "humbly rely as their and the kingdom's greatest and most durable foundation." P.* 1, *large. Signed (Hol.) by Lord Massereene, Erasmus Smith, Samuel Blackwell, and Joseph Ruthorne, the resident committee of the adventurers appointed at Grocers' Hall, and also (Hol.) by John Rowley, Arthur Upton, Thomas Barrington, Humphrey Preedy, Tristram Beresford, Hugh Rowley, Francis Beaghan, Samuel Hill, Wikfield Claypoole, and John Ellis. Endd.: Read at the Board,* 30 *July,* 1663. *S.P. Ireland* 314, 69, 1.

The King to the Commissioners of Settlement for the Marquis of Antrim.

Preamble and substance as in the letter of 10 *July,* 1663, describing the proceedings in the investigation of the Marquis' case down to the final resolve of the King that he is innocent. *Concludes*:—"We require you to take notice of this our judgment in the case of the Marquis of Antrim and that you proceed accordingly when the said Marquis comes to his trial before you." *Pp.* 3½. Dated 11 August, Whitehall. *S.P. Dom. Signet Office V. pp.* 433-6.

State of the Marquis of Antrim's case.

The Marquis' estates were set out to adventurers and soldiers for a debt of £35,000, and, by themselves or their assigns, they were possessed of those estates on May 7, 1659. The King by his Declaration and instructions for Ireland, and the Act of Settlement establishing it, confirmed their possessions according to their said several interests except in the case of innocents, whose estates are reserved to be restored to them. Amongst the provisions in the Act is one expressly with regard to nocency "not to restore any as an innocent Papist that at or before the cessation made the 15th of

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September, 1643, were of the rebels' party, nor any who, being of full age and sound memory, enjoyed their estates . . . in the rebels' quarters:

Nor such as entered into the Roman Catholic Confederacy at any time before the articles of peace concluded the year 1641 [?1643]:[1]

Nor such as adhered to the Nuntio's or clergy's party or Papal power against the King's authority:

Nor such as, being in the quarters which were under the authority of the King, Charles I., held correspondency with or gave intelligence unto such as were in opposition to him:

Nor such as before the peaces of 1646 or 1648 sat in any of the Confederate Roman Catholic Assemblies or Councils, or acted upon any Commission or power derived from them or any of them.

The Marquis of Antrim, knowing full well that he was guilty of all these qualifications, thought not fit to abide his trial under them, but procured a proviso in the Act of Settlement that he should be restored to his estate in such manner, form and method as Lords Galmoy and Nettervill, "being after the parties possessed of their estate should first be reprised." But, being weary of the delay which occurred before he could get the benefit of this favour, and having failed to induce the Lord Lieutenant and Council to send over a private bill for his restoration, the Marquis "deserted prosecution in that way" and applied for and obtained the King's letters of 10 July last, and the order that these letters should be sent by the Lord Lieutenant and Council to the Court of Claims [Commissioners of Settlement]. The Lord Lieutenant and Council, when they received this letter, considering that the King did not know the whole truth about the Marquis' behaviour and that his restoration would cause grave difficulties and the scandal of restoring one "so heinously and foully guilty," withheld the letters from the Commissioners and represented to the King, in a dispatch of 31 July, their reasons for doing so [*see that letter above pp.* 211-214, *the substance whereof is here set out*]. This letter came to the Secretary Bennet's hand about August 8; but on August 11, the Marquis of Antrim obtained fresh letters from the King addressed to the Court of Claims drawn by Secretary Morice and directing them to proceed in the matter as required in the letters of 10 July. This letter was brought by express to the Marchioness of Antrim and was produced by Sir Richard Rainsford on 20 August, the last day to which the Court had postponed the hearing of the Marquis' case. "And after causing the said letter to be read and the said Sir Richard's opening the same to the greatest advantage could be for the said Marquis, he concluded it was in evidence without exception, for put what could be in the other scale, it would only expend time not weigh down, and therefore they might proceed to judgment; in which opinion joined Sir Thomas Beverly, Sir Allen Broderick and Mr. Churchill; but Sir Edward Smith declared it to be a weighty affair fit to be referred

(1) See the Instructions appended to the *Act of Settlement, Sec. XI.*, and *Statutes of Ireland II., pp.* 269-70.

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to the Duke and Council as had been formerly done in the like case of one Sarsfield. Sir Thomas Beverly confessed it true, had they time. Sir Edward Deering then declared 'Better never judge than precipitately judge!' In the end it was carried four against three to proceed to judgment.

"But Sir Edward Deering again insisted the evidence could not be completed before the King, and for his part he was for hearing the evidence. And, it being pressed by the Council [counsel] for the adventurers and soldiers that it was not intended to raise up evidence against the King's, but that it will appear the King was not fully informed, and that matters would be proved which had not come to His Majesty's knowledge, in the end it was admitted to hear evidence from those who would presume to offer any, but with such high threats reflecting on their loyalties and hazards of their estates as terrified and deterred many material witnesses, persons of quality, from adventuring to take their oaths for declaring the truths they knew. And the counsel of the adventurers and soldiers were so often interrupted by Sir Richard Rainsford telling them all the evidence they could produce could not signify anything to out-balance the said letter, and that they did but misspend the time allowed for restoring the poor innocents, as put the said adventurers' and soldiers' counsel and witnesses that took their oaths to great distraction. Notwithstanding all which hardships put on the said adventurers and soldiers, yet it was by the rolls and records of discrimination and other proofs of the said Marquis' handwriting and matters of fact against him (*viva voce*) fully evidenced against him as follows:—

To have had a hand in the design of surprising the Castle of Dublin.

To have been of the rebels' party before the 15th of September, 1643.

To have enjoyed this estate within the rebels' quarters.

To have been deeply of the Roman Catholic Confederacy before 1648.

To have constantly adhered to the Nuntio's party in opposition to His Majesty's authority, with whom he sat in public assemblies, and in great pomp through Kilkenny streets bare up the end of the canopy over the head of the said Nuntio.

To have joined with Owen Roe O'Neile and constantly to have opposed the several peaces made by His Majesty's and his royal father's authority by his Grace the Lord Lieutenant of Ireland.

To have directed the dispersing of printed papers amongst the garrisons for debauching the soldiers therein.

To have in May, 1650, chose ingratefully and disloyally to join openly with the late usurpers rather than dutifully (as became him) to have submitted to His Majesty's government in his Grace the Lord Lieutenant.

To have received yearly stipends from Ireton and his adherents for his services against His Majesty and his officious endeavours (for ingratiating himself with that regicide) so far as in him lay to asperse the fame of His late Majesty.

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To have been employed by the said Ireton in preparing forces and boats to be employed into Scotland against His Majesty's interest there.

To have taken and subscribed the pernicious Oath of Association, whose handwriting is the first subscription thereunto, which was:—

To defend the free exercise of the Roman Catholic religion throughout the land of Ireland, and the lives, liberties and possessions of all that should take the oath: to ratify and obey all orders of the Roman Catholics. Not to receive any pardon or protection for any act done or to be done without the consent of the major party of the Confederates' Council. Not directly or indirectly to do any act or acts that shall prejudice the said cause, but to the hazard of life to assist, prosecute and maintain the same. Not to accept or submit to any peace without the consent and approbation of the general assembly of the said Confederate Catholics, and, upon any peace or accommodation to be made by His Majesty with the said Confederates, to insist upon and maintain the ensuing propositions, viz.—

That the Roman Catholics, both clergy and laity, in their several capacities have the free and public exercise of the Roman Catholic religion and function in Ireland, in as full lustre and splendour as it was in Henry VII. or other Catholic Kings', his predecessors', [reigns], Kings of England.

That the secular clergy of Ireland, viz., Primates, Archbishops, Deans and Chapters, &c., and their successors shall have and enjoy all manner of jurisdiction, privileges, &c., in as full manner as they enjoyed the same in the reign of the said King Henry.

That the said clergy shall have, hold and enjoy all the churches and church livings in as large and ample manner as the Protestants' clergy enjoyed the same the first day of October, 1641, together with all the profits, &c., as well in all places then in the Confederates' possession or as should hereafter be recovered by the said Confederates from the said adverse party."

This adverse party were His Majesty's subjects then under His Grace the Duke of Ormond's command.

All these things show the Marquis to be more guilty than any other person who pretended innocency before the Court of Claims, and it cannot be thought that they were comprehended within the intent of the King's letter. Yet was the Marquis judged innocent by four Commissioners to three, and the Commissioners refused to pass a resolution that they would first advise with the Lord Lieutenant and Council, in consideration of the fact that the Lord Lieutenant and Council had received similar letters before [those of 10 July from the King] and had withheld them from them [the Commissioners]. Such a resolution had been passed before in Sarsfield's case. Nor would they consent to leave the matter to the King's own determination, to whose hands the adventurers and soldiers offered to commit it. Nor would they even defer judgment till next morning, by which time it was hoped that some answer to the Lord Lieutenant and Council's letter of 31 July might arrive from the King.

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About two days after letters came from the Lord Chancellor of England and Mr. Secretary Bennet of 15 August to the Lord Lieutenant, taking notice of his letters of 31 July, approving the action of himself and the Council in withholding the letters of 10 July from the Commissioners of Settlement, and directing that nothing further should be done in favour of the Marquis of Antrim. It appeared thereby that they were ignorant of the sending of the letters of 11 August, which gave the Commissioners colour for passing a judgment so "diametrically opposite" to an Act of Parliament.

It is believed that the King is troubled and "unsatisfied" with Secretary Morris for having submitted the letters of 11 August for his signature. It is now asked that he may order execution of the judgment of the Commissioners to be stayed till an Act can be sent over and passed for setting it aside. If the Marquis is restored several persons who served under the King's ensigns abroad will not receive the benefit which His Majesty intended to them. These they cannot get till the persons in occupation of these lands are reprized, and the reprizal lands are in many cases those to which the Marquis, if restored at all, must be restored. It is not right that the Marquis who was "so notoriously criminous against His Majesty's Royal father and himself" should receive an advantage equal with that of his best subjects. *Pp.* 8. *Entry. S.P. Ireland* 314, 68, *pp.* 13-21.

Copy of Petition to the King of some of the adventurers and soldiers and their assigns interested in the Marquis of Antrim's estate on behalf of themselves and others therein concerned, showing that:—

Reposing upon the rules prescribed by law in the great Act of Settlement, the petitioners have been at a great charge in preparing for a trial with the Marquis of Antrim. After long delays they fully expected that the case would be tried by the methods prescribed by the Act, but a letter from your Majesty dated 11 August, 1663, was produced at the hearing, wherein your Majesty was pleased to declare your judgment of the innocency of the said Marquis. Some question arising as to procedure, four of the Commissioners declared that your Majesty's letter was a sufficient ground for them to declare the Marquis innocent.

Petition goes on to recite the events of the trial as in foregoing and also states inter alia *that*—

The Bishop of Meath, "a most material evidence," and others of their witnesses declared they were so terrified that they durst not give their evidence. Some of the Commissioners declared that, whatever offences the Marquis might have committed in that long tract of time, they were cleared and taken off by the King's letter of 11 August. The Commissioners refused by four to three to refer the question to the King or the Lord Lieutenant and Council which was a summary and unparalleled proceeding in a case involving so many families.

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The evidence showed that the Marquis was foully guilty of disloyalty to the King [*full details of things proved are set out as in foregoing, up to the point where the gathering of forces and boats for Ireton is stated as proved*].

Yet was the Marquis adjudged innocent without any evidence being offered in his favour.

The petitioners pray that this judgment may be respited and referred to the Lord Lieutenant and Council, who may propose to your Majesty some means of giving remedy to your petitioner's present sufferings and future fears. *Pp.* 3½. *Signed (not hol.) by* Lord Massereene, Henry Rowley, Hercules Davies, Arthur Upton, Thomas Barrington, Marcus [?] Roma. Tristram Beresford, Samuel Wills [?], and John Rowley. *Entry. S.P. Ireland,* 314, 68, *pp.* 21-4.

This concludes the documents relating to this case.

22 Aug. Dublin. THOMAS PAGE to JOSEPH WILLIAMSON.

I lately sent you a letter enclosed to Mr. Bennet from Mr. Garnon [*sic*] "an ancient and worthy gentleman," who, some five weeks since, was recommended by the Lord Lieutenant and Council to the King for a pension of £100 a year. He prays me to ask your assistance in getting the letter presented to the King or despatched, and to hasten the matter by transmitting a copy of the original attested by the Deputy Clerk of the Council. If you look at the copy you will find that it was not planned transitorily *à la mode*, but with a real intention to serve him and to bring his grey hairs with pleasure to the grave. Please let me have an answer. *P.* ⅔. (*Hol.*). *Add. S.P. Ireland* 314, 69.

Same. LUKE GERNON to the SAME.

I wrote you a letter on 8 August and sent it to my brother-in-law, Baron Atkins, that he would appoint one to present it to you, wherein was enclosed the letter which his Grace wrote to Secretary Bennet on my behalf, asking that the King's sanction might be given to my being put in the civil list for my pension of £100 a year and my arrears, and to my being put in without charges or solicitation of mine. Owing to my recommendations I expected I should soon receive this letter, but I hear from my brother Atkins, who was lately with Secretary Bennet, and he says that neither Secretary Bennet nor you have received the letter. This puts me in a great perplexity, but I am told by my friends and Sir Paul Davys that a transcript of the letter which has not reached you, attested by the Clerk of the Council [here], will be a sufficient inducement to Secretary Bennet to procure His Majesty's letter thereon. I therefore send you one which I beg you to send to Secretary Bennet if the original letter have not reached you, "humbly praying his favourable consideration towards an old decayed Justice," who has long served the King. If I get this letter "I will engage to transmit to yourself a token of my gratitude." *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 70.

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22 Aug. Dublin Castle. SECRETARY LANE to JOSEPH WILLIAMSON.

I thank you for your services. Please keep the papers in my case with you, that they be at hand if required by Mr. Secretary. Let me know your sense of the whole matter.

P.S.—Get Mr. O'Neile a sight of these papers. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 71.

23 Aug. Dublin. ROBERT LYE to SAME.

I miss your letters and the "Gasett" you used to send me very much. The Court of Claims is at a stop and Lord Massereene has lost a considerable estate by the restoration of the Marquis of Antrim, which he "took very much to heart and spoke very high in the face of the Court, who were not at all daunted." The Lord Lieutenant, they say, will go next week to Kilkenny for a time. I have recommended some friends for restoration in corporations, but hear the Lord Lieutenant has requested that none such be restored without his certificate. *Details. Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 72.

24 Aug. Whitehall. The KING to the LORD LIEUTENANT for the ARCHBISHOPRIC of DUBLIN.

We have lately appointed Michael, late Bishop of Cork, Cloyne and Ross to the Archbishopric of Dublin, rendered vacant by the translation of Archbishop Margetson to Armagh, and granted to him also the rectory of Gallowne or Dartree [Dartry], co. Monaghan, and other things till such time as the Archbishopric of Dublin should be improved to a value sufficient to enable the Archbishop to support his dignity. By the late Act of Settlement such proportions of the lands, tenements, or hereditaments of any Archbishop, Bishop, &c., or other ecclesiastical person in his politic capacity as have been granted in fee farm under the reservation of any chieferies, and are by the said Act forfeited unto us are to be set out for the support of such Archbishops and Bishops as in that Act are particularly named. Amongst others so much is granted to James, Archbishop of Dublin, and his successors in that see as shall bring the sees of Dublin and Glendalough to the annual value of £2,000 over and above the mansion house and gardens of St. Sepulchre's near Dublin, and the manor of Tallaght with the mensal lands thereto belonging. We hear that the lands intended to be added to the Archbishopric of Dublin are not yet set out or added thereto. "In regard that dignity is of eminency and the present means to support it small," we direct you to take speedy and effectual care that so much of the lands designed for the purpose aforesaid [as will affect the aforesaid raising of income] be set out to the Archbishop of Dublin and his successors. Owing to the "exility" of the Archbishopric you shall, in the same patent, insert a clause for freeing the Archbishop from paying first fruits for his sees of Dublin and Glendalough. *Pp.* 1¼. *S.P. Dom. Signet Office V. pp.* 441-2.

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24 Aug. Whitehall. The KING to the LORD LIEUTENANT for MICHAEL, BISHOP OF CORK, CLOYNE, and ROSS.

Directing that he be advanced to the Archiepiscopal see of Dublin and see of Glendalough in reward of his "piety, learning and integrity." He shall have the temporalities of the sees, the rectory of Gallowne *alias*, Dartry, co. Monaghan, and the "prebency" of Desartmore [Desertmore], in St. Finbar's Church, Cork, and the Treasurership of St. Patrick's, Dublin, or some living equivalent thereto, to be held by him *in commendam* till his sees be improved to a value consonant to their dignity. He shall have the mesne profits of the sees and other benefices from the date of Archbishop Margetson's translation. *Pp.* 1½. *S.P. Dom. Signet Office V. pp.* 442-3.

Same. SAME to SAME for EDWARD SING, BISHOP OF LIMERICK, and of the united Sees of Ardfert and Aghadoe.

Directing that he be translated to the joint and vacant sees of Cork, Cloyne and Ross, in succession to Bishop Boyle. Owing to the exility of the sees they shall be united for this turn. He shall receive the mesne profits of the sees from the day of Bishop Boyle's translation to Dublin. Favourable clauses. *P.* 1. *Ibid. pp.* 443-4.

Same. SAME for DR. WILLIAM FULLER, Dean of St. Patrick's, Dublin.

Directing that he be advanced to the see of Limerick in succession to Bishop Sing, and hold the sees of Ardfert and Aghadoe, and the rectory of Traderrie [Tradry?] *in commendam*. He shall also hold the Deanery of St. Patrick's, which he now holds, *in commendam* for two years from this date. *P.* ½. *Ibid. pp.* 444-5.

Also Royal warrant to the Lord Lieutenant for same under the Sign Manual *and countersigned by* Secretary Bennet. *Pp.* 1½. *Endd. S.P. Ireland* 314, 73.

Also two copies, practically identical, of same. *P.* 1. *Endd. Ibid.* 74 *and* 75.

Same. SAME for SAME.

By the Act of Settlement certain lands are to be set out for better support of the clergy [*details as set out in letter above of this date for the Archbishop of Dublin*]. Amongst others, the Bishop of Limerick was to receive lands worth £300 a year. They, as we hear, are not set out to him. You shall set them out. *P.* ½. *S.P. Dom. Signet Office V. pp.* 445-6.

Also two drafts of same almost identical: one undated, the other dated 25 August. *P.* 1. *Endd. S.P. Ireland* 314, 76 *and* 77.

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24 Aug. Whitehall. The KING to the TREASURER of the ADVENTURERS' MONEYS for COLONEL MILO POWER.

Directing that £1,000 be assigned to him out of the Adventurers' moneys. *P.* ⅔. *S.P. Dom. Signet Office V. p.* 447.

24 Aug. ENTRY of the KING to the LORD LIEUTENANT for COLONEL PIERCE LACY.

Recommending him to the Lord Lieutenant for treatment as others of his quality and merit are treated. *P.* ½. *S.P. Ireland* 312, *p.* 152.

ENTRY of PETITION of JAMES BRYAN.

Desires direction to the Lord Lieutenant to renew his patents of his Irish lands and to grant him the franchise to hold a market twice a week.

24 Aug. Whitehall. The King directs that the Lord Lieutenant transmit a letter for the King's signature empowering him to grant the desired letters. *P.* ½. *S.P. Dom. Entry Book XIII. p.* 348.

25 Aug. Newtowne. The EARL OF ORRERY to SECRETARY BENNET.

By this post the Lord Lieutenant tells me that the Commissioners have found the Marquis of Antrim innocent and "doubts not but it has filled up the measure of the discontents of the English." He therefore asks me to help to quiet this discontent and for my advice how to secure and settle the Corporations. He is also pleased to come half way hither and command me to meet him the 9th of next month at Kilkenny, "there to fix upon those things which may be best to settle this distracted kingdom." I shall not fail to meet his Grace and to offer any advice that I can.

I have lately acquainted you with what I thought fit for you to ask of the King and of my desire to serve you. I should like to have your commands while I am waiting on my Lord Lieutenant at Kilkenny, where I may best obey them and where I hope to give you evidence that I am sensible of your favours "and perfectly ambitious by my service to appear upon all occasions, most unalterably, Sir,

Your most humble, most faithful
and most affectionate obliged servant,
ORRERY."

P. 1. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 78.

Same. WARRANT under the SIGN MANUAL.

Directed to the Clerk of the Signet attending, and ordering him to prepare a bill for the King's signature to pass the Privy Seal

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warranting the Treasurer or Under Treasurer for the time being to pay out of the Treasure remaining in the Exchequer £1,000 to John Beversham or his assigns to be employed in the King's service for raising and transmitting a certain number of soldiers into Ireland according to such orders as he shall receive from the Duke of Albemarle. *P.* ½. *Countersigned by* Bennet. *Endd. S.P. Ireland* 314, 79.

Also copy of same without the Sign Manual or countersign and with a blank for the name of the payee. *P.* ⅛. *Dated — August. Endd. Ibid.* 80.

26 Aug. Council Chamber, Dublin.

PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

The King by letters patent of 16 January, 1660, granted to Sir William Clarke and Gilbert Mabbot the right of making and granting licences for selling of wine and strong water by retail in Ireland. We understand that many persons unlawfully sell such wine and strong waters without licences from these persons to the impairing of the King's revenue. We charge all sellers of these commodities in Ireland to take notice of the King's letters patents and apply to one of these persons for a licence to sell. All persons who have sold the above without licence since 1 May, 1661, or shall sell the same before 1 May, 1664, shall incur such pains and penalties as by the law are to be inflicted for such offences.

And whereas we are informed that several farmers and others employed by the King's said agents have detained and detain from the King sums of money which they have received for giving licences, we direct that they shall pay in such sums to the King's agents before 1 October next. The Court of Exchequer shall render its best assistance to the King's agents in this matter; saving all claims which Lord Massereene or Lord Kingston may have to the profits of these licences. *Pp.* 1½, *with signature and note of sale as the Proclamation of* 18 *March above. S.P. Ireland* 309, *pp.* 134-5.

26 Aug. Whitehall.

The KING to the LORD LIEUTENANT for SIR HENRY O'NEILE.

In consideration of the hardship inflicted on Sir Henry O'Neile, then Henry O'Neile, Esq., by his estate being so engaged that he could not be forthwith restored to it, we ordered that he should be paid an allowance of £800 a year for six months, which we afterwards continued for six months more, hoping that he would be restored in that time. He has not been so restored. We recommend to you to admit him at least into that part of his estate in the hands of Lord Massereene, which shall appear to be overplus to the said Lord's adventure in the barony of Massereene; and over measured in that survey, if any such there be. He shall be paid the above pension in future, its sum being reduced as he is restored to portions of his estate, and the payment ceasing when he is fully restored. *P.* 1. *S.P. Dom. Signet Office V. pp.* 439-440.

Also entry of same. *P.* 1. *S.P. Ireland* 312, *pp.* 154-5.

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27 Aug. Dublin Castle. SIR GEORGE LANE to [SECRETARY BENNET].

I send a draft of a letter concerning Sir Thomas Wharton, mentioned in my Lord's by the last post, and a letter for the fees of Sir Theophilus Jones' letter, which was then sent you by his Grace.

I have told you of my own concerns and now send you a draft letter [for myself] which I am sure you will transmit to the King. I have not asked for my Lord's favour, as I did not think he should support me in a matter of this kind. *P.* 1. (*Hol.*). *Add.* "For your self." *Endd. S.P. Ireland* 314, 81.

28 Aug. Council Chamber, Dublin. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

Since the King's restoration several letters patents concerning grants, pardons, &c. in Ireland have passed under the Great Seal of England without being enrolled here as they should have been, and as they used to be in the late reigns. The King is thus likely to lose the benefit of the covenants contained in such patents because we do not know what they are; and the Commissioners of Settlement are unable to go on with the work of setting out reprisals because they do not know how much land may be at their disposal. Several orders which, by the power given us in the Act of Settlement, we have made for "allowing, altering or retrenching" several of the provisoes in it have not yet been enrolled in any Court of Record where they may be preserved or subjected to the view of persons concerned.

We now require all the King's subjects who have passed any patents under the Great Seal of England of any land, office, pardon, &c. affecting Ireland to enrol the same in the Rolls of the High Court of Chancery in Ireland within one month of the date of this Proclamation. We shall disallow any patents not so enrolled. *Pp.* 1½, *&c., as the Proclamation of* 18 *March*, 1663, *above. S.P. Ireland* 309, *pp.* 139-40.

29 Aug. Dublin. LUKE GERNON to JOSEPH WILLIAMSON.

Recapitulates the matter in his last [of 22 August] and adds:—The second letter which I sent was certified by Mr. Mathew Barry, Deputy Clerk of the Council here. I marvel at the letter miscarrying. Mr. Page tells me that no answer has come to one which he sent in the packet of August 1. However, I feel sure that my subsequent recommendations will obtain the grant for me.

I hope Secretary Bennet will be told, and take into account, that I have been waiting here since May 28 last. Pray pardon my importunity. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 82.

Aug. Whitehall. DRAFT of ROYAL WARRANT to the LORD LIEUTENANT.

"We are sensible of the great necessity and want of lighthouses by the seaside in or near the ports of our Kingdom of Ireland,

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whereby many merchants and others of our good subjects have received very great loss and damage of ships and goods." To prevent which, "and the rocks in those seas being so very dangerous," we order you to pass patents for granting to Marie Graves and Thomas Oliver, Esq., our Receiver-General for the counties of Stafford, Hereford, Salop and Worcester, the right to set up such and so many lighthouses by the seaside in Ireland as shall be thought convenient by them for so great a work. To meet the expenses of building and maintaining lighthouses they may take the following rates from all ships coming into or going out of any port or creek in Ireland:—2*d.* the ton going out and 2*d.* the ton coming in from strangers, and half those sums from natives of England, Scotland and Ireland. In default of payment the patentees may levy distress upon any ship whose master or owner refuses to pay. No ship shall be cleared at the Custom House in any of our ports until she has paid these dues. This grant shall last for thirty-one years and the grantees shall pay £20 a year into the Irish Exchequer. *Favourable clauses. P.* ½. *Parchment. S.P. Ireland* 314, 83.

Also a note of the names of the ports affected. They are Dublin, Waterford, Londonderry and Kinsale. *Four lines. Ibid.* 84.

Aug. DRAFT or COPY of the KING to the LORD LIEUTENANT for SIR HENRY O'NEILE or O'NEILL.

At the breaking out of the rebellion, Sir Henry was a ward to our father, and he served the Royal cause well here and under you in Ireland. This being so we directed the late Justices to restore him, and as Lord Massereene opposed his restoration, we directed allowance of £800 a year to be paid to him till 1 May, 1662. Lord Massereene still opposes the restoration of Sir Henry in a manner which we highly resent, especially as we consented to the insertion of special clauses in the Act of Settlement for the reprisal of Lord Massereene. We declare O'Neile innocent and order that he be restored. You shall interpret the clause in the Act of Settlement regarding Lord Massereene and Sir Henry in the manner most favourable to the latter, and not so as to prevent O'Neile's immediate restoration. You shall cause an exact survey to be made of the lands held by Lord Massereene in the barony of Massereene in Antrim, and if it appear that he holds more than he should you shall deliver them at once to the possession of Sir Henry, "which [*i.e.* the possession] is to be of his own estate," his mansion house, the lands which he inherits from his father or his uncle, and any other lands held of them in the barony of Massereene.

Neither Lord Massereene nor any of the adventurers shall be allowed to place any deficiencies on these lands—this being contrary to the clause in the Act. Lord Massereene shall be reprized with the lands in Connaught lately held by O'Neile or with such others as you think fit; deducting from his claim any sum he may have received in respect of overplus lands. Clauses for execution. O'Niele's pension of £800 a year shall be continued until he is

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restored, and be paid out of the rents of *custodium* lands and forfeited estates, or out of the old arrears or debts now remaining in the office of the Pipe in our Exchequer there which were due in the government of the late usurper, or out of such other part of the revenue there as you think fit. *Pp.* 2. *Dated as above. Endd. S.P. Ireland* 314, 85.

DRAFT of the KING to the LORD LIEUTENANT for SIR HENRY O'NIELE or O'NIELL.

In parts similar to foregoing, but sets out also the following facts:—

Lord Massereene claims O'Niele's lands as an adventurer, but he has, we are informed, only £870 of principal adventure in the barony of Massereene, for which at the adventurers' rate he ought to have 4,350 acres of land, and he now holds 8,367 acres in Massereene barony besides 1,420 accounted unprofitable which is really profitable, so as he holds 5,437 acres more than his just proportion. He therefore is trying to place deficient adventures upon them, although the Act says that no deficiencies shall be placed on lands in Ulster.

Lord Massereene shall not be allowed to place such deficiencies upon Ulster lands and shall be compelled to account to Sir Henry O'Niele for any lands which of his he has held over and above those to which he was entitled by reason of his adventure. *P.* ¾. *Endd. Ibid.* 86.

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4 Sept. Dublin Castle. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

We now transmit thither these several Acts, viz.:—

"An act for the better ordering the selling of wines and *aqua vitæ*, together with all sorts of strong waters by retail."

"An act for provision for ministers in cities and corporate towns and for making the Church of St. Andrew's in the suburbs of the city of Dublin presentative for ever."

"An act for the prevention of the frequent censures of excommunication."

"An act for the building of a bridge at Ballilegue [Ballyleague] over the River Shannon between the counties of Longford and Roscommon."

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"An act enabling ecclesiastical persons to make leases for sixty years for the encouragement of planters."

We beg that the King may consider these measures and trust that he may see fit to return them with all convenient speed.

P.S.—There is also sent an act entitled:—

"An act for settling the inheritance of several lands in the King's Co. and Queen's Co. in the province of Ireland upon Sir Henry Bennet and his heirs." *P.* ¾. *Signed by* the Lord Lieutenant and nine councillors. *Add. Endd. S.P. Ireland* 314, 87.

5 Sept. Whitehall.

The KING to the LORD LIEUTENANT for SIR THEOPHILUS JONES.

We are informed that Patrick Sarsfield has been adjudged nocent by the Commissioners of Settlement, but that William, his son, has been adjudged innocent and has a claim on the remainder of certain lands which on 7 May, 1659 were in the hands of Sir Theophilus Jones towards satisfaction of arrears due to him for service in Ireland, which we (upon just and honourable considerations) intended to him. On 28 August, 1660, we wrote to the late Sir Charles Coote, afterwards Earl of Mountrath, that all those who had helped in our happy restoration should be secured to their lands when we should have a true representation of them; or, if not, should be compensated for the same.

Sir Theophilus Jones is amongst those men.

Our Declaration of November 30, 1660, confirmed by the Act of Settlement, declared that those officers and soldiers to whom lands have been given in Ireland for their arrears and who have declared their submission to us either by the General Convention in Ireland or by some other public act, should be confirmed in possession of those lands as they held them on 7 May, 1659, according to our Declaration at Breda, of ¼ April, 1660. We hear that, before the calling of the General Convention, Sir Theophilus appeared publicly and acted boldly for us, seizing the persons of Myles Corbett, John Jones, and Mathew Tomkinson [Thomlinson], "who then bore sway in that kingdom under the late usurpers," and that in May, 1659, and on 28 August, 1660, he was in possession of that part of the estate pretended to by Patrick and William Sarsfield. We find another clause in our Declaration by which it is provided that certain persons named (of whom Sir Theophilus Jones is one) shall be confirmed in possession of their estates, and that if any former proprietor be restored to any part of such estate, the persons in possession shall be given lands of equal value elsewhere. We hold it our duty to fulfil all of these arrangements which apply to Sir Theophilus Jones, and therefore direct you to issue commissions to inquire by witnesses and report to the Court of Chancery what is the present full yearly value, with improvements, of the castle, lands, &c., of Lucan and of the other lands possessed by Sir Theophilus or his tenants, whereof the late William Sarsfield, of Lucan, was by himself or his tenants possessed on 22 October, 1641; and to inquire and report as to the value of other lands in

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Ireland forfeited and now in our hands, with a view to finding a reprize for Sir Theophilus Jones. On return of those commissions, you shall pass patents granting to Sir Theophilus an amount of land certified to be equal in value to those lands, with their improvements, which he will lose by the restoration of Sarsfield. He shall pay to us the usual rent out of the lands, &c., of Lucan, and his other lands now held by him so long as he holds them, or else such increased rent as you may think fit; and pay for his new lands a rent as regulated by the clauses of the Act of Settlement dealing with the rents payable by adventurers and soldiers, from such time as he comes into possession of those lands. On making these patents you shall put Sir Theophilus Jones into quiet possession of these lands. *Pp.* 2. *S.P. Dom. Signet Office V. pp.* 448-9.

Also copy of same. *Pp.* 3½. *Endd. S.P. Ireland* 314, 88.

5 Sept. Whitehall. The KING to the LORD LIEUTENANT for SIR HENRY O'NEILE.

We formerly directed you to license Sir Henry to export certain wool from Ireland. As he has not benefited by that licence you shall now license him to export to France or elsewhere beyond the seas 400 sacks, each of 3 cwt., of wool, from any port in Ireland and in any vessel. *P.* ½. *S.P. Dom. Signet Office V. p.* 450, *ad fin.*

Also draft of same. *P.* ½. *Endd. S.P. Ireland* 314, 89, *and* entry of similar letter in which France is not mentioned. *P.* 1. *Dated — August. S.P. Ireland* 312, *pp.* 154-5.

Same. COPY of SIR WILLIAM MORICE to [SIR GEORGE LANE].

Lord Anglesey forgot to send my letters in answer to yours of 22 August till a few days ago, and was out of town when I got yours, and sent to him for explanation. Either you have mistaken him or he has misrepresented me. All I said was that the letters obtained for Hore's children were unfavourable to you, so that you might blame yourself, if it were so, and not me. I had not heard from you for three-fourths of a year, though I had written two or three times. The *caveat* of which you speak I have found. It is to prevent anything being done by order of the King for restoring Hore. But it is scarcely wonderful that we forget, after two years, a *caveat* which is not renewed. Moreover the letter was not for restoration of Hore, but was to give liberty to infants or orphans to renew or put in a claim. Their claim was that those who had possession of their writings had been out of Ireland ever since the opening of the Court. If they could prove this true they had full right to be heard. Lord Anglesey spoke of getting another letter from the King to countermand that which I writ, but I can give you no more perfect account thereof because of the King's absence. I am anxious to serve everybody. "Of your endeavours to do me service, I have no umbrage, nor do I file the misfortunes and successlessness of all my attempts in Ireland to your proper account, but I

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have patience and contentment—when I have not success or esteem —and shall gently wish that no man ever need the service of so mean an instrument as myself, or have cause to remember that I might have been obliged, who shall never fail to approve me honest and faithful and yours, &c." *Pp.* 1¼. *Endd. S.P. Ireland* 314, 90.

5 Sept. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

We have just had four packets, having had none for some time, owing to bad weather. Thanks for the "gasetts." The Lord Lieutenant sits close at Council every day to have all in order for his journey, which is now postponed till Monday and Parliament is prorogued till November 17. Lord Massereene and others have petitioned the Lord Lieutenant and Council that no judgment of the Commissioners of Settlement may be executed if given after 2 July, as they had sat beyond the period of their power. They reckon twelve months as "lunary" months and other things which I think they can scarcely justify. A stop was for a day or two put to their proceedings; but it is now taken off again; and, in fine, you will hear more of the matter yet, for the Commissioners are loyal and honest men "and will not be blemished so easily, at least Sir Richard Rainsford, Sir Thomas Beverley, and Mr Churchill, and Sir Allen Broderick, though the common saying here is that they are divided, three for the King," vizt., Ransford, Beverley and Churchill, and three for the English interest, vizt.: Smith, Deering and Cooke, and one for himself, vizt.: Broderick. Mr. Secretary's bill has passed the Broad Seal and will go to-day.

P.S.—I should be grateful if you could do anything for Mr. Browne, whom I formerly mentioned to you. *Pp.* 2. (*Hol.*). *Add. Endd. Ibid.* 91.

9 Sept. Dublin Castle. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

Amongst the Acts which we transmitted for the King's consideration on 4 May last were Acts for ordering the sale of "gunpowlder" in Ireland, for punishing certain offences in the Court of Castle Chamber, for confirmation of marriages and for explaining two Acts made in a Session of Parliament, one for settling the subsidy of poundage and for settling a subsidy of tonnage and other sums of money on the King, his heirs and successors, to be raised on goods brought into or out of Ireland; and the other for settling the new impost and excise on the King and his heirs and successors, according to the book of rates therein inserted; also several other Acts for building bridges or for particular persons.

None of these Acts have been returned, and as those concerning the King and the public are urgent, we pray that the King may be moved to direct their speedy return.

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On March 28 and May 15, I, the Lieutenant, directed to you letters concerning one Miles Smith, who stands condemned here for stamping and issuing counterfeit coin, and who charges several persons in England as guilty of the like crimes, and concerning one Thomas Hall, apprehended here for the like crime. Smith offers, if pardoned, to disclose the names of several persons in England and Ireland who have committed the like crimes, and have gained in some cases great estates by it only. I desire the King's directions in those matters.

By our joint letter of 15 May we signified that the Common's House had presented to me, the Lieutenant, a request that a bill might be transmitted for compelling all magistrates here to take the oath of allegiance much according to the Statute of 5 Elizabeth [England]. We referred to the action of the late Lords Justices and Council to Secretary Nicholas, dated 4 February, $166\frac{0}{1}$, in transmitting an Act declaring what persons should take the oath of supremacy; and we now desire, as we then did, the King's direction in this matter, in order to be guided as to how to meet the wishes of the House of Commons.

On 18 June last we wrote to you on behalf of Luke Gernon, asking that his name might be added to the Civil list, for a pension of £100 a year with $2\frac{1}{2}$ years' arrears. We desire the King's direction herein and ask that the poor gentleman may not have to solicit the matter there, "which neither his aged person nor low condition his estate is able to bear, wherein you will perform an act of extraordinary charity."

We also desire—and have not yet received—a signification of the King's pleasure in the question raised by the Commissioners of Settlement as to the restoration of Papists in Corporations, upon which we asked for direction in our letter of 5 August last.

Some persons have offered to farm the revenue arising upon hearths and other places used for firing, and we think their suggestions good, and desire authority to let these revenues to farm for a term not exceeding seven years at the best obtainable rent.

As we hear that you have instructions from the King regarding the farming of the Customs and imported Excise, and should like to receive them, and those as to the hearth tax, under the Royal Signature and Signet, as soon as may be. *Pp.* $3\frac{1}{4}$. *Signed by* the Lord Lieutenant and twelve Councillors. *Endd. S.P. Ireland* 314, 92.

9 Sept. Dublin. The Lord Lieutenant to Secretary Bennet.

Though Mr. Archer came here effectually recommended by the King, and upon good grounds, we have not been able to give him anything on his application. I thought I could not refuse him this attestation. *P.* $\frac{3}{4}$. (*Hol.*). *Add. Endd. Ibid.* 93.

Same. Copy of the Same to Daniel O'Neale, of the King's Bedchamber.

On 7 September, we, the Lord Lieutenant, received the King's letters of 21 August, directing us to see that Samuel Bathurst did not

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molest Robert Ward, or any other deputed by you to execute the office of Postmaster-General here. We sent these letters to the Council, and Bathurst was heard by counsel at the Board and presented a petition [*see following, the substance of which is here set out*]. Several members of this Board certify that Bathurst carried on the office, both before and since the Restoration, as became a good subject to the King, and, in that office, did his best to help those who were industrious in bringing about that happy change. Since then we have observed him to be very competent and suppose this was not known when you obtained your recent letters. We do not think the King intended to dispossess him and are tender of doing so. We send you his petition enclosed and hope we shall hear further from you concerning it. *P.* 1. *Endd. S.P. Ireland* 314, 94. *Enclosing—*

Copy of petition of Samuel Bathurst to the Lord Lieutenant, showing that:—

The petitioner has, he thinks, made it clear to the Lord Lieutenant and Council that he was not merely a deputy but a partner with Colonel Bishop in the letters patents for the postage of Ireland, by a grant comprized in articles of agreement between himself and Bishop, which Bishop could not make void.

Daniel O'Neale contracted with Bishop to purchase the benefit of those letters, and, in order to effect the transfer, they were surrendered to the King, and the petitioner is advised by counsel that O'Neale will be regarded in law and equity as only the assignee of Bishop, and unable to avoid petitioner's interest of which he had notice when he agreed to the purchase.

These facts have not, petitioner thinks, been represented to the Council in England, and the King does not intend to oust any person merely because he was employed in the time of the usurpers, whilst petitioner's service under them was only for about one year before the Restoration, which petitioner was always anxious to promote. If the King's letters [ousting petitioner?] are executed, his just right will be taken away.

He prays that the matter may again be laid before the King, and these facts stated; or that he may have leave to petition the King direct, and that he may not be ousted by the Lord Lieutenant till the King's pleasure be further known. Pp. 2½. *Endd.* "*Read at the Council Board, 9 September.*" *Ibid.* 94, 1.

9 Sept. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I thank you for yours of 15 and 22 August, and rely on you to help me in the matter of Mr. Hore, in which you will herewith receive something from the Lord Lieutenant. I have thought well, considering the debates on the new Act now sent by Colonel Geffrys, to amend your proviso, and the Attorney-General is amending it so as to make it as favourable to you as may be. I have given your own bill to Colonel Geffryes [*sic*] in a box with as many

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blank commissions for the militia of "Somersetshire" as could be got ready before the Lord Lieutenant's going to the country to-morrow. The remainder will follow. The Lord Lieutenant agrees to the substitution of Mr. George Stowell's name for that of Sir Henry Sydenham in the commission you have for a Deputy-Lieutenant for "Somerset." I now only ask you that if any application is made to you concerning a lease one Mr. Burnell has in Castleknock and other lands belonging to Mr. Hore and a mortgage of Mr. Hore's upon the lands of Kilmore near this city belonging to Mr. Nugent, of Robertstown, you will let me tell you what my interest is in those lands before you determine the matter. Please favour the small bill sent for making a bridge at Ballyleague. It is on my estate but it is not upon that ground, but as a public benefit, that I support the proposal. Mr. Attorney also wants your support for a bill in his favour concerning a fee farm from the Church for which he has paid a valuable consideration. Also please favour the bearer, Colonel Geffryes. He is esteemed by the Lord Lieutenant for his present services and for those which he formerly rendered in the King's army. *Pp.* 2½. (*Hol.*). *Add.* "For yrself." *Endd. S.P. Ireland* 314, 95.

9 Sept. Dublin Castle. The Lord Lieutenant and Council to Secretary Bennet.

"In a matter of so great weight as import—no less than the general settlement of this kingdom, after all the ligaments (which held together and supported not only the Government but also all men's interests) have been so shaken, disjointed, put out of frame and torn asunder, as they have been in this kingdom by the confusions, calamities and desolations of many years' continued rebellions and wars, and variety of tyrannical usurpations—how prudent soever the endeavours and consultations have been of His Majesty and the Lords of his most honourable Privy Council, in order to that Settlement, yet it is not possible any human wisdom could so foresee all particulars that must necessarily occur in so great and universal a work, but that some things must be needful to be added when the resolutions first taken came to be put in execution."

"Such then is the present case; for although it be evident to the world with how great maturity of Council His Majesty proceeded, what exceeding great labour he vouchsafed to undergo, in his own Royal person, as it were taking up and laying together the broken pieces of a torn and desolate kingdom, and what ways and means were prescribed in order to the resettling thereof, yet in that great work sundry particulars are now by experience here upon the place found very necessary, if it may stand with His Majesty's pleasure, to be added as superstructures upon those foundations which His Majesty hath with so great wisdom laid."

We therefore, who have to serve him here, and who have our estates and fortunes here, and are bound to do our utmost to assist the resettlement of this kingdom and quieting men's minds herein, have at last after long discussion drafted an act to be passed into

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law intituled, "An act for explaining of some doubts arising upon an act entitled [*here follows title of Act of Settlement*] and for making some alterations of and address unto the said Act for the more speedy and effectual settlement of this kingdom.

We beg you to submit this to the King and to say that, in our opinion, the state of the kingdom calls for its speedy return.

P.S.—We also send an act for settling on Sir William Domvill and his heirs in fee farm, the dwelling-house wherein he now lives and some grounds thereto belonging and an act against stealing children. *Pp.* 2¼. *Signed by* the Lord Lieutenant and ten Councillors. *Add. Endd. S.P. Ireland* 314, 96.

9 Sept. Dublin Castle. The Lord Lieutenant and Council to Secretary Bennet.

The King, by letters patents dated 16 January, 1661, gave to Sir William Clearck, kt., and Gilbert Mabot,[1] gent., and the survivor of them, £600 a year for their pains in the execution of the office agency or place for making and granting of licences for selling and uttering of wines and strong waters by retail within the kingdom; and we, finding that the said grant may be a disadvantage to His Majesty in the improving of that revenue, employed certain of our members to treat with Mabot for its surrender. He is inclinable thereto, and, in order to be able to agree with and compensate him we send you a draft letter for the King's signature giving as authority so to do. We trust it may be returned speedily. *P.* ½. *Signed by* the Lord Lieutenant and twelve councillors. *Add. Endd. Ibid.* 97.

Same. Note of Letters sent at this date to Mr. Secretary Bennet for the King's signature.

A letter for granting Colonel Fitzpatrick his estate.

A letter for the Earl of Mount Alexander to have out of the lands forfeited by the late plot an estate equal to that of St. Wolston's which is restored to the late proprietor for innocency.

A letter for the Lord Lieutenant to issue a Commission to find out the value of Philip Hore's estate, as also of other lands of that value, and to grant the same to Sir George Lane for reprizall and allowance to be made him out of the rents reserved for what he shall pay for the portions of Hore's children. *P.* ½, *with note* (*Hol.*) *by the* Lord Lieutenant, dated 9 September, desiring that these letters may be signed. *Endd. Ibid.* 98.

12 Sept. Dublin. Luke Gernon to Joseph Williamson.[2]

With regard to my petition for a pension I do not know how my letter of recommendation went astray. I hear [?] that it has now

(1) The name is spelt in many different ways. *See above p.* 225.
(2) The handwriting of this letter is in parts obliterated by damp.

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been delivered. The Lord Lieutenant has shown me special favour and, when going away, recommended me to Secretary Bennet. I am sure that if Bennet is with the King at "the Bath," he will move the King in the matter of my pension. If he is there I ask that the attested copy of my letter of recommendation may be sent to him to Bath as a further assurance.

P.S.—Mr. Page, my Lords' secretary, who is gone to Kilkenny with him, expects a letter from you. If it is sent enclosed in mine, I will see it delivered. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 99.

12 Sept. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I hope Mr. O'Neile may have a sight of the papers in my case, in order that he may apply himself in the solicitation of a remedy. Let not Hore proceed further against me, nor Mr. Richard Wadding, of Kilbarry or Waterford. *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 100.

14 Sept. Bath. ENTRY of the KING to the LORD LIEUTENANT for COLONEL JOHN FITZPATRICK.

A special proviso in the Act of Settlement restored Colonel Fitzpatrick to all castles, manors, lands, reversions, &c., of which he or his father, &c., was seised before 22 October, 1641. We are anxious that the benefit of this proviso should be fully secured to him on account of his loyal service to our father and ourself in Ireland and abroad. You shall on receipt of these make a grant to him under the Great Seal for that purpose, granting him also all courts, fairs, markets and other royalties enjoyed under King Charles I. with the premises, at the rents paid before October 22, 1641. *Favourable clauses and details. Pp.* 3. *S.P. Ireland* 312, *pp.* 156-8.

15 Sept. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I have no news. Everything is quiet in the absence of the Lord Lieutenant and Court at Kilkenny.

P.S.—"I am the same to Mrs. Vavasour that ever I was and hope she will hereafter harbour a better opinion of me than you tell me in your last." *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 101.

19 Sept. SIR WILLIAM DOMVILE to SECRETARY BENNET.

I send you a draft of the proviso in your favour, which should be in the bill now transmitted. Sir George Lane asked me to give him a copy of it, together with a clause I drew for himself. I believe he will send you both. The reason why I drew your proviso in this

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manner is this: The Act of Explanation admits no man to be restored on ground of innocency, or as one who served under His Majesty's ensign beyond the seas or under any other qualification whatever, but as he shall be personally and particularly named to be restored; so that all the Irish not already restored are now in a state of election to be restored or not. Those who are thought fit will have their estates in *specie*, or equivalent lands. The rest will be excluded for ever, "and this rule was thought fit to be laid down upon several considerations—1st, in order to make way for the restoring of such persons as are of honourable and ancient English extraction unto their own estates in *specie* (if so thought fit) though they have been adjudged nocents by the strictness of former rules. For some persons of honour, merely for living in Irish quarters at the first of the rebellion and holding some compliance with the enemy, whilst they were under the power of his army, have been adjudged nocents, though soon after they made escape from his tyranny and have ever since faithfully adhered unto and succoured the English," as Lord Dunsany, Sir Thomas Sherlock and others, "who may be thought more fit to be restored to the ancient seats of their honours and families than that tinkers and coblers should possess their lands and they themselves retain only the empty titles of their honours."

2. The rule was also thought good "for that it will in all probability conduce much to the settlement of the whole country and safety of the kingdom; for by this means there will be an end of transplantation made. The Irish of great septs will be removed from among their relations and dependencies[1] into English quarters; which will civilise them; and the English adventurers and soldiers will be settled in Irish territory, which will reform them; and both will much conduce to to the improvement of the kingdom in general and the security of the King's Crown. And, in the transmutation of possessions, if my Lord Clanmalira, who is otherwise incapable of restoration, shall be thought fit to be named as a person restorable, yet it will be worthy consideration whether it is more convenient to restore him to his own estate in *specie*, and not rather to give him a suitable fortune in some other country, more separate from his relations and dependancies,[1] where his prosperity may gain more civility and contract less guilt than his ancestors have done by living amongst their own sept and in their own territories."

If the second course be taken then it will only be necessary to reprise the adventurers and soldiers (on his estate) who are reprisable and to vest the lands entirely in the King to dispose of as he thinks fit, without mentioning the name of any person to whom they shall go. I advise that this be done; and your proviso, if drafted in conformity with this rule, may "take effect with less noise," as being most agreeable to the scope and intent of this bill.

I must now tell you of the inducements which draw on this bill. The time for restoring innocents [under the Act of Settlement] is

(1) Note the word spelt in two different ways in the same passage.

wholly expired, and, even if it were enlarged, that bill is so framed that many persons generally reported nocent and fit to be excluded, may come off as innocents by fraudulent or forged deeds or remainders, whilst many who are innocent have been condemned as nocent. Hereupon it was thought well to lay aside the qualifications of nocency or innocency (for we have plenty of evidence here to swear to the nocency and innocency of the same person at the same time) and to compose such a bill as might settle all lands, &c. whatsoever that have been sequestered on the King and his heirs, except the lands of Protestants, Church lands, College lands and the such like.

It was next to be considered unto whom those lands so vested in the King should be disposed and in what manner and proportion. It is suggested that all the lands vested in His Majesty by this Act may be disposed of in the restoring of such persons as shall be thought fit to be restored, and in the reprisings of such persons as are reprisable. By this bill those only are to be restored, who are named by the Lord Lieutenant and six members of the Privy Council by instrument to be issued under the Great Seal of Ireland. The persons to be reprised are such only as by the Commissioners shall be adjudged to be reprisable according to the rule and qualifications laid down in the former Act. Two of the qualifications alone are repealed, vizt., aversion to the King's restoration, and the being or not being of His Majesty's army, on 14 April, 1660.

So that in sum all the manors, lands, &c. which are vested in His Majesty by this Act are set apart as a general stock for restoring the Irish, and for the reprising of such adventurers and soldiers as shall turn out to be reprisable. Only in cases of restitution power is reserved to the Lord Lieutenant and six of the Council to restore the proprietor to his own estate *in specie* or to other lands of equal value elsewhere, as may seem best and safest according to the rules of convenience and prudence above offered.

We have considered what the general stock would amount to, and whether it would swell to such a proportion as might answer the great ends that are proposed, and hereupon inquiry has been made into particulars, vizt., what qualifications of men shall be thought fit to be reprized, and what proportions may answer that end, and what number of men shall be thought fit to be restored, and what proportion will answer that end?

After much travel in this affair ("whether out of goodwill or self-advantage I judge not") it was offered by some great agents for the adventurers that they would freely part with a sixth part of what may belong unto them towards the increase of the common stock for reprisals. When this offer was made it was thought fit to inquire what this sixth part would amount unto; and what other lands there were that would make up any other certain visible stock for reprisals; and, having got this result, to resolve in what proportions that stock should be used for reprisals and for restoring the Irish.

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The sixth part of the adventurers and soldiers lands was estimated to come to above 400,000 acres. Then the lands in the King's hands set by *custodiums* the lands set out in satisfaction of English arrears and the doubling ordinance, and the lands in the possession of the Nuncio's party, together with the lands of other persons transplanted into Connaught, are computed to amount unto 600,000 or 700,000 acres. The whole amount of avail is thus 1,000,000 to 1,200,000 acres.

It was hereupon resolved that this visible stock should be divided into two equal parts, that one moiety should go towards reprising of reprisable persons, and that the other should be disposed of for the restoration of such of the Irish as shall be thought fit to be restored in manner aforesaid.

The bill is drawn accordingly, and provides that one-sixth of the land set out to adventurers and soldiers and all lands set out for English arrears or on the doubling ordinance, or which are set by *custodium* or vested in the King by the Act, be divided into two equal parts. It then provides that one-half shall go to reprising such persons as are reprisable and have already been removed by the King's letters or by decrees of the Court of Claims and for reprising of innocents for their houses in corporations, unto which they are not restorable by the last Act, and to satisfy the supposed deficiencies and incumbrances on adventurers' and soldiers' estates. It provides that the other half shall be disposed of towards reprising of such Protestants as have purchased lands from persons transplanted and the restoring of such of the Irish as the Lord Lieutenant and six of the Council shall nominate and approve as above stated.

This is the main scope and draft of the bill, and much labour was needed to bring it to this perfection. Many of its compilers were persons interested and the result is something which, it is hoped will be acceptable in the House of Commons whilst satisfying them. To make it palatable to them there is a special clause in it that no adventurer or soldier that shall appear to be reprisable shall be removed from his estate until he shall have other lands first set out unto him in possession before he be removed. This will no doubt be very acceptable and is no less feazable; for as no proprietors are to be restored except those specially named, and as there is half-a-million acres ready in stock, it may be easily foreseen whether there be not lands sufficient to reprise any adventurer or soldier that shall be removed before he be so removed, with reference still to the loss of his sixth part. This may lessen the number of persons restorable, but it gives them certainty and the kingdom a settlement. It has reference only to future restorations. Those who are already restored are fixed and the adventurer and soldier must take his reprize in such proportion as the first moiety of the common stock will yield him, and not otherwise.

There is this yet further observable that many adventurers and soldiers removed or to be removed may, upon examination of their title prove not to be reprisable, and then there is so much more land gained, as in cases where lands have been obtained by forgery,

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perjury, false admeasurement, forfeited subscriptions, assignments from regicides or halberdiers, &c. [*details given*], or lands held without title allowed by this or the former Act. In all these cases the lands will fall into the King and be at the King's disposal, for restoring proprietors or reprising reprisable persons. It is expected that they will come to a considerable amount.

There are one or two other points. One refers to the reprising of purchasers from transplanted persons into Connaught without duly examining into their purchases because they are Protestants. Some of them do, it is true, bear that name, but they differ much both in their civil and ecclesiastical demeanour, and however, "why any frauds or injustice should be palliated because committed by a Protestant against a poor suffering Papist, and not rather the more severely punished, I know not." Certainly His Majesty declared to the world in the last Act (*page* 28) that he is too well assured that there has been much injustice, fraud and irregularity used in those judgments given for forfeited lands in Connaught and that "he would cause a special review to be taken of those proceedings. If now His Majesty should by surprise pass over that great oppression without due examination, I leave it to your honour what a scandal it would be to justice and a slander to His Majesty's Government.

Another thing is that, as all reprisable persons are to expect satisfaction out of the moiety of the common stock, a clause may be inserted in the bill to repeal all particular clauses for reprisals in the former bill. If this were allowed it would be against the rule of distributive justice that one should have his full reprize in the counties of Dublin, Cork, Kildare and Louth; and the other, possibly more deserving, have none anywhere. I have enclosed two clauses to this purpose to your Honour. If inserted they will make the bill more just, assist the objects which the bill has in view, and promote a general settlement.

There is also a saving in this bill for any Crown lands included in it. By it your Honour's remainder and all other reversions and remainders in the King are preserved to such uses as His Majesty shall think fit.

I have now told you the whole scope and design of the bill and how it affects yourself. I have thought it my duty not to do less; and trust that I have not been tedious.

There are some particulars which will come before you of my little concern. The one is a short bill for a fee farm from St. Patrick's of the house I live in, and some three acres of ground. The house was built by my father and is somewhat improved by myself; and where the rent was at first but forty shillings to the Church, I increased it to £5. I now raise it to £10 *per annum* for ever, and I pay £200 fine towards the repair of the Dean's ruinous house, and surrender my old lease of some 58 years in being. This is allowed by all as a full advance to the Church for three acres of land. There was a clause to this purpose sent in some late bill and approved by His Majesty's Council and re-transmitted back, but the same is now mislaid and not to be found, and therefore the Lord Lieutenant and Council at the instance of the Dean and Chapter,

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and for the improvement of the Church's revenue and my satisfaction, transmit a little bill by itself which is under the same seal that the bill of Explanation is affixed to.

"I humbly beg your Honour's favour that my little bill may be re-transmitted with those that are first returned."

There is likewise a small concern of mine in which the Lord Lieutenant has recommended to your Honour to move the King. His Majesty granted me some lands in this kingdom, but I am disappointed of them all by the claims of the proprietor. Thereupon his Grace advised me to pitch upon something in the King's gift before the bill pass, and he would recommend it to His Majesty. Accordingly I drew up a letter of some particulars which his Grace promised to transmit for me, and Sir George Lane took out of my hands in order to send by this post. If it happen to come safe to your Honour's hands I pray you to obtain the King's favour for me in it, and that it come back before the Bill of Explanation is returned. Otherwise it will be useless to me. *Pp.* 5½ (*large*). (*Hol.*). *Add. Endd. S.P. Ireland* 314, 102.

22 Sept. The Lord Lieutenant to Secretary Bennet.

By the last post I gave you notice of the Earl of Mountalexander's death, and I wish to let the King know that he cannot give the place of Master of the Ordnance to any person more fitted to execute it than Lord Dunganon. If Colonel William Legge could be spared thence and could find [?] his account in his remove and [?] discharge of that place here, it would be for the advantage of the King's service. I think the advantage of having two faithful servants instead of one[1] outweighs the surrender of the Marshal's place, which Lord Dunganon has a patent to enjoy after Sir Henry Tichborne's death. Offer this first to Colonel Legge, that I may not have to force him to a refusal of anything offered him by the King. If he consent to remove, then you may offer these two to His Majesty's choice. I can think of no third person since our friend Mr. O'Neill, is engaged in a great office. I am sure his lady will not be willing to remove to this "wet and yet dangerous country." *Pp.* 2. (*Hol.*). *Add. Endd. Ibid.* 103.

26 Sept. Kilkenny. The Earl of Orrery to [the Same].

The Lord Lieutenant has been here a fortnight and I have been commanded to meet him. I have yours from Bath and at once put your case before his Grace, who promised to write to the King about it this week. I left your letter with him by which he may draw his own to the King. When it is passed I will do all I can for you in it.

(1) Several lines here are rendered almost illegible by damp.

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I have spent several hours with his Grace concerning our new bill and, knowing something of the temper of the English in Ireland, I offered him certain small amendments. The Lord Lieutenant has ordered the Solicitor-General to draw these up that he may recommend them to the King, which will be done next week. "I find the generality of the English discontented at the late proceedings of the Commissioners and therefore, apprehending that no way was so likely to hinder the House of Commons from resenting what is past as that they might not fear them in what is to come," I proposed things to his Grace which might not reflect on the Commissioners, and might secure the apprehensions of the Parliament men. I hope that the additions proposed will, if accepted by the Crown, attain this end.

The bill is essential to the settlement of Ireland and I hope that, as now drawn, it will satisfy moderate men of both sides. I find these are "more than thoughts" in some to present addresses, when Parliament meets, to annul the decisions of the Commissioners of Settlement since July 2. The Commissioners have since done things which, I must say, I could have wished to have been done otherwise. Yet I hope that if the bill comes back from England as now sent over we shall be able to overvote those discontents, if we cannot prevent them from appearing for a remedy in that particular. I am glad that I am not the least of the sufferers in their proceedings since that day as, by example as well as otherwise, I may invite them to a submission, which I shall make it my endeavour to do.

The business of Lord Glenmalero's estate is not very promising, and I think that your grant from the King out of the half-year's rent payable by the adventurers and soldiers is the only way to remedy that disappointment.

I am obliged for your favour. "You may place the effects of it on many more worthy but none more sensible of it, which is a truth shall be evidenced in all the actions of, Sir,

Your most humble, most faithful and most obedient servant,

ORRERY."

Pp. 2¾. (*Hol.*). *Endd. S.P. Ireland* 314, 104.

26 Sept. Lisburn.[1]

MAJOR RAWDON to VISCOUNT CONWAY, at Kilkenny.

Private affairs. We have had great storms. We have had our fair, and fat cattle sold "reasonable well." Search has been made for . . . [2] but he seems to have been alarmed by similar orders for his arrest which had been sent to the Governor of Derry and fled before my party sent to search for him could find him. I am sure he is the right man "for he hath been a lieutenant and a violent Presbyterian."

I do not think the Earl of Mountalexander searched for him except in Derry town. If you think fit you may tell his Grace this,

(1) Hitherto Major Rawdon has called this place by its older name "Lisnegarvy."
(2) Name partly obliterated by damp, but looks like Johnson.

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and that all possible efforts to catch him will be made if he be not fled to Scotland.

"This ill-weather hinders your workmen abroad, but not your lordship within, I suppose, at L'ombre, where I wish you good fortune." *Pp.* 1½. *(Hol.). Add. as above. Endd. Conway Papers. S.P. Ireland* 314, 105.

30 Sept. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I hope by the time you get this we shall have heard your opinion of the new bill, and thus may be able to guess at the King's, and make some computation of the length of our stay here. This is very impatiently borne by my brethren to whom the Lord Lieutenant has refused leave to come over, in order, as is supposed, to gratify the English interest, "who believe they may by their personal attendance on His Majesty, give him such a light to the right understanding of the affairs of this kingdom as may fix his resolutions possibly to their disadvantage [or] at least so poise the business as to put most of them besides their expectations." If it be judged fit that we should give to the King an account in writing of our work as full as that which we are compelled by statute to give to the Lord Lieutenant and Council, I feel sure that we can give more satisfaction than any of the parties interested, by whom all reasons and arguments are made to square with their own interest. "That part of myself at my own dispose I have sent over before." If my sister or daughter can serve you they are at your service, "though I design them not for courtiers. My wife I leave to her own inclinations."

My Lord Lieutenant's gout keeps him as yet at Kilkenny, but he is expected Tuesday next. Sir Thomas Clarges "that bussy [?] gentleman" was with me to-day and tells me he is casting about to new draw your proviso in the new bill. "My answer to him was that I believe it best that you have no proviso therein at all, for, besides that it is not agreeable to my Lord Lieutenant's sense that there should be any proviso, you will find that new securing of his no more than a politic cheat; the frame of the bill (as he intends it) being to make all things seem other than they are." I speak freely because this goes to you by a sure hand. I like your bill better than any of their 'jingles.'" I say no more as Mr. Leigh, to whom I have expressed myself at length, is going over as soon as the Lord Lieutenant returns here. My wife will present my respects. *P.* 1. *(Hol.). Endd. Ibid.* 106.

Same. SIR THOMAS CLARGES to the SAME.

I should not trouble you so soon before coming to England, but that I find from your letters that you have not received two I wrote to you about your act. I am much deceived if I cannot make an indefeasible title for you (as the lawyers call it) and in such terms

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as the House of Commons here will easily pass it. I should write a volume to you about Irish affairs, but that I am to embark for England in a week (I should have done so already, but that I await his Grace's return from Kilkenny). You must forgive me for this, and for any differences I may have with you. *P.* 1¼. (*Hol.*). *A polite letter. Add. Endd. S.P. Ireland* 314, 107.

[About Sept.[1]] DRAFT PROVISO in favour of SIR JOHN STEPHENS and SIR WILLIAM DOMVILE.

For confirming them in possession of the lands, &c., in Tipperary, Meath and Dublin, lately granted to them by the King. *P.* ½. *Endd. Ibid.* 108.

OCTOBER, 1663.

1 Oct. Kilkenny The LORD LIEUTENANT to SECRETARY BENNET.

I have yours of the 3rd and 9th of September. I had retired here for air and exercise, but am disappointed of both by bad weather, and indisposition. The latter also makes me inapt for despatches.

When I am back in Dublin, which will be as soon as the judges are returned from their circuits and country houses, their opinions shall be required in those points complained of in the petitions I sent to you, unless the King think it fitter to have the opinion of the judges of England. This would have more weight "in regard of the preference always given to them," and would be free from any objection on the ground of partiality. Another reason why I think recourse should be had to the English judges is that those of Ireland are likely to be unwilling to express an opinion on a matter which is likely to come before them judicially in the Courts in which they sit, and that immediately; whereas it cannot come before those of England except by appeal "and whether it can so is more than I understand."

The letter offered to your furtherance by Sir George Lane was neither recommended nor considered by me; but upon examination I find it to be so far differing from the case of my Lord of Antrim, and from an original interposition in his favour, that it is but a retracting [?] of a letter granted upon unexamined suggestions against him. What the number of those letters and of those for the restitution of ancient proprietors to their houses in corporations is, and by whom they were countersigned, I shall be able to let you know when I come to Dublin, and also [to give] some further light of what may be fit concerning Sir Audley Mervin's pretensions.

(1) *See* Sir William Domvile's letter above pp. 240-241.

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I send you a copy of the Duke of Albemarle's to me concerning 500 men ready, as it seems, to be sent hither with officers, and a copy of my answer. I was surprised at it, remembering that I still desired them without officers, and must ask that they come so, or not at all.

Since I sent over the new bill in supplement to the Act of Settlement, I find by consultation with knowing men of different parties that various matters essential to its proper working have been omitted. I do not suppose it is likely to be returned promptly, but nevertheless request that it be not so returned or receive the final approval of the King and Council until the amendments which I desire to have inserted have been represented to you.

You must ere now have all the commissions which are necessary for the county of Somerset.

Next week I shall be in Dublin and shall let you know what I think you should know for the King's service, and also things relating to yourself made known to me by my Lord of Orrery when he was here. *Pp.* 3. *(Hol.). Endd. S.P. Ireland* 314, 109. *Enclosing—*

1. *Copy of the Duke of Albemarle to the Lord Lieutenant.*

Major John Beversham is getting 500 *men ready to carry over to Ireland for recruits and the officers are gone down to raise them. If you will send a ship to Chester for them, it will save the King the cost of their transportation. I present my service to your lady. P.* ½. *Dated Cockpit,* 22 *September. Endd. Ibid.* 109, 1.

2. *Copy of the Lord Lieutenant to the Duke of Albemarle.*

I am surprised that you should send men and officers here. I had indeed desired 500 *men to distribute among the garrisons here in place of "divers who retain so much of the corrupt principles they have been bred in heretofore." But if* 500 *men and officers are sent I could not provide for them without cashiering almost as many good officers without being able to pay their arrears, and without their having any means to live. You may therefore be pleased to suspend the raising or marching of those men unless they either can be provided for out of England or stay behind. I have written to this effect to Secretary Bennet.*

There are on these coasts no ships of His Majesty's but the little Harp, *frigate, and the pleasure boat. Both are unfit to receive soldiers, and are now sent to attend the money at Chester. P.* 1¼. *Dated Kilkenny,* 1 *October. Signed. Endd. Ibid.* 109, 2.

2 Oct. King's Inn, Dublin. ORDER by the COMMISSIONERS of SETTLEMENT.

By a proclamation bearing date the 23rd of September last, all persons who had not yet put in their claims before the Commissioners of Settlement were directed to put them in within 31 days after the 6th of October. We think it desirable that a fitting and

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regular course of framing claims should be prescribed for persons intending to make them, so that they and their attorneys, solicitors and counsel may know what is expected of them in that behalf. We therefore direct that:—

All adventurers and soldiers who claim to be restored to any lands or hereditaments shall show in their statement of claim what sum, original or other, was advanced, and by what person, in respect of which they claim; the date when the advance was made; what lands or houses in particular they claim, "with the content and number of acres," with distinction how many of them were set out for profitable and how many for unprofitable lands in each town, village, balliboe or quarter of land, with the county, barony, or parish in which the same were set out to them. They shall also set out the denominations given to the lands in the survey called the "Down admeasurement," with the denominations by which they are commonly known, and the name or names of the former proprietor or proprietors.

Adventurers claiming houses in any city or corporation must state not only the particulars of such houses, but also their value.

Officers and soldiers claiming to be established in lands or houses, &c., shall set out the debenture, held on 7 May, 1659, in respect of which such lands, &c., are claimed, for what service the same were set out, how much for English and how much for Irish arrears, at what time the same were satisfied, what regiment or company and at what rate, and a particular of the lands of which they claim confirmation. They shall insert the conten [content] and number of acres, and where being, the denominations thereof in the said "Down admeasurement" expressed, together with the other particulars directed above to be given by adventurers.

All proprietors, whether Protestant or Papist, who have re-entered upon their lands, &c., or claim to be restored under the Act of Settlement, shall in their claims set forth what benefit they claim under the act, the ground of such claim, and a particular of the respective lands, &c., claimed, whether they claim fee simple, fee tail or any other estate, how they derive their title, who was in possession of the lands in October, 1641, to whom were the same set out and who are now in possession thereof. They shall also set out the counties, baronies and parishes in which these lands are situated.

Such transplanted persons as claim lands in Connaught or Clare shall set out in their claims the order in their behalf made by the "late pretended Court of Claims sitting at Athlone" and the final settlement of "the late pretended Commissioners at Loghreagh [Loughrea] thereupon"; also a particular of the lands in lieu whereof the lands claimed in Connaught or Clare were set out to them or their predecessors in title; a particular of the lands set out to them, with apt denominations and descriptions, with a distinction how many were set out for profitable and how many for unprofitable acres, in each town-land, village, balliboe or quarter of land, whether they claim fee simple or any less estate, and how and by what title they claim the same.

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All other persons claiming before us shall set out clearly and distinctly the basis of their claim, the manner in which their right or title is derived, and that their claims conform to such of the rules prescribed for the claims of others as may be applicable to their several cases.

Inasmuch as many persons who have already put in their claims before us may find it desirable to amend them in order to conform to these regulations, and to withdraw such claims and put in new ones, we permit such amendment or retractation of claim and putting in of a new one, provided it be done within the time prefixed for putting in of claims before us.

Any person who has more than one claim to put in before us shall comprehend all such claims in one, and shall make it in the manner prescribed above either for Protestants or Papists.

For the more orderly putting in of claims we have appointed Ralph Merry, Samuel Bull, Walter Scudamore, Robert Golborne, George Lambert, George Rider, John Humphry, John Coghlan, Dominick Deane, Gilbert Fitch, Thomas Heron, George Milner, Thomas Lloyd, Robert Pain, Samuel Mosely, John Brampton, Robert Pugh, John Moland, John Barber, Starninge Phillips and William Westely, gentlemen, who (and no other, without our order to the contrary), shall be attorneys to the Court of Adjudication of Claims; and we have agreed and ordered that every person who makes a claim before us shall elect or retain one of these as his attorney, and the name of the person so retained shall be endorsed upon the claim. Any person answering any of these claims shall also elect or retain one of the above named attorneys, whose name shall in like fashion be endorsed upon his answer. *Pp.* 4½, *with signatures (not hol.) of the Commissioners, and note of printing by Crook, and sale by Dancer, "Bookseller in Castle-street." S.P. Ireland* 309, *pp.* 129-133.

5 Oct. Kilkenny Castle.

The Lord Lieutenant to Secretary Bennet.

John Bryan, of Whiteswall, co. Kilkenny (whose son is married to Lord Berkeley's niece), has, to my knowledge, been very serviceable to his late and now Majesty, and I have credibly heard that he suffered much under the power of the late usurpers and of the Nuntio. I therefore pray that the King may sign the enclosed in his favour. It explains itself. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 314, 110.

6 Oct. Whitehall.

Entry of the King to Sir Richard Rainsford.

Directing him to return forthwith to England, to give an account of the matters committed to his charge in Ireland. *P.* ¾. *S.P. Ireland* 312, *p.* 159.

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6 Oct. Dublin. SIR THOMAS CLARGES to SECRETERY BENNET.

The Lord Lieutenant intended to be here to-day, but has put off his arrival till the 10th; I know not why. I shall leave next day, and hope to kiss your hands in Whitehall about the 20th. In the meantime I desire your favour for one Mr. Mabbott, a brother-in-law of Sir William Clerk, in whose behalf the Lord Lieutenant and Council have sent over the form of a letter or warrant for His Majesty's signature for confirmation of an advantageous contract made with him here for His Majesty's service. *Other details.* I am also to ask on behalf of some of the officers who served here before 1649, and are very loyal, that you will put a stop to the bill for building a bridge over the Shannon at Ballyleague. They do not desire to stop it, but to add some short proviso for benefit of the highways in Longford and Leitrim, which are two counties of their security for their arrears. The Duke of Albemarle is somewhat concerned, which obliges me the more in the business. I shall bring their request with me from London, which will be so reasonable that it will be easily granted. *Pp.* 1¾. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 111.

7 Oct. WINSTON CHURCHILL to the SAME.

I shall say no more of the desirability that some of us [the Commissioners of Claims] should go to London, inasmuch as yours of 8 September show that you fully agree with me on that point. For my own affairs I have had to send over my wife, who will be there as soon as this. If upon her arrival you think it would be in any way conducible to the King's service that I attend there rather than here, I shall put aside all considerations of my own disadvantage, being asssured that he cannot suffer that serves so good a master. The exceptions I have taken to the bill, such as they are (wherein I suppose most of my brethren will concur) I here present you. They are the truth of the matter of fact, and you are the best judge of their effects. I think they concern the King very nearly and am therefore pressed, no less by my duty to him than by my respects to yourself, not to be silent, though there are so many jealousies here that I have reason to proceed with very great caution. I hear the apprehension that we might lay open the wickedness of the bill before it came to you has occasioned some changes in it since we saw it. If so it is possible that some of the objections in the enclosed are removed; otherwise they will be worthy of your notice. Sir Thomas Clarges "was very active in contriving the bill, and though 'tis possible he is not so ill skilled in compositions but that he knows how to correct and qualify the poison that is in it, yet 'tis ill trusting to't [?]" However, the bill, with a few changes, may be made a good one, and these few must be carried "with somewhat more than ordinary resolution on the King's part, who will never decide the disputes of this nation but by being absolute in his own judgment and direction; wherein there is not of such danger as some would have him believe if you consider how we have

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disappointed the purposes and designs of those people that had a mind to be doing again by the restoration of my Lord of Antrim in the North, my Lord of Clanricarde in the South [? *sic*] and my Lord of Clancarty in the South [*sic*]; each of which beside their proper dependants have very considerable neighbours that have given good proof of their loyalty." Add to this that the garrisons, cities and places of strength are all in the hands of persons who served the King, whose discontents are not yet so great as to make them forfeit their allegiance and who may be made good instruments in his hands if either Irish or English should rise.

P.S.—Let Mr. Talbot know I should have written oftener to him if I had known his address. If I forget him 'tis no more than he doth to me. *P.* 1. (*Hol.*). *Endd. S.P. Ireland* 314, 112.

7 Oct. Dublin. LUKE GERNON to JOSEPH WILLIAMSON.

Concerning the lost original of the letter which he sent, and the copy which he has since sent. Has also sent a copy certified by Sir Paul Davies. Prays that the matter of his grant may receive despatch. The Earl of Orrery, who had him deposed when the King had granted him the Chief Justiceship of Munster, caused him to be put on that allowance on the casual profits of the provincial Court of Munster. Hopes he may have his letter without fees, but, if not, will pay them after he has got the letter. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 113.

8 Oct. Whitehall. The KING to the LORD LIEUTENANT for SIR COURTNEY POLE.

We are informed that the Fishmongers of London having an adventure of 2,500 odd acres in the barony of Skreene, sold it to one Carew, of Marybone Park, who sold it again to Sir John Pole, William Ridges and Major Deane, who had each man his lot as they drew it. Sir John Pole paid Carew £2,200, and his son Sir Courtney Pole, Bt., paid the balance of £251 immediately after his father's death; but now, finding several incumbrances upon it, as an annuity of £50 *per annum*, a jointure and claims of other persons, besides a deficiency of 208 acres, he has asked for reprisals in lieu of all claims adjudged against him, and all incumbrances and deficiencies, according to our Declaration and Instructions, and the Act of Settlement. "You cannot be ignorant what signal services the said Sir Courtney Pole hath done us, and consequently what extraordinary kindness we ought to have for him." You shall give him reprisals as he requires, near to his estate in the barony of Skreen "so far as the same may be justly and conveniently done." *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 1.

10 Oct. Whitehall. SAME to SAME for VISCOUNT FITZHARDINGE.

Several lands forfeited by the late rebellion in Ireland were by the usurpers set out to persons in payment for services in England,

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but, not being confirmed to them by the Act of Settlement, are now in our dispose. In "resentment" of Viscount Fitzhardinge's services we are desirous of giving him some of these lands, to the net value of £2,000 a year, over and above all reprizes, charges, &c. You shall make him a grant accordingly, before any part of such lands be granted to any other. He shall pay us rent as fixed by the Act of Settlement for adventurers and soldiers in the parts in which these lands may lie. Until these lands can be set out to him by particular names you shall grant him £2,000 a year out of the mesne profits coming to us from lands of the class above mentioned, such grant expiring when he obtains his grant by particular names. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 2-3.
Also draft of same. *Pp.* 2½. *Endd. S.P. Ireland* 314, 114.

10 Oct. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

I am glad you remember me. I hope to start for England in five or six days and shortly to kiss hands at Whitehall. *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 115.

12 Oct. Whitehall. The KING to the LORD LIEUTENANT for CAPTAIN WILLIAM HAMILTON.

We were anxious, shortly after our restoration to reward Captain William Hamilton for his services, and consequently on 15 January, 1661, granted him a wardship in Ireland. An Act of Parliament in Ireland has recently taken this away. In February, 1662, we directed the late Lords Justices to satisfy his arrears by lands in the barony of Dungannon, co. Tyrone, and his satisfaction for all arrears has since been placed there by a proviso in the Act of Settlement, with a clause for further satisfaction if the land there should prove insufficient. We hear that he has now a petition pending before you and we do not think that the officers who served before 5 June, 1649, should oppose it, considering that his satisfaction will remove a debt justly chargeable on their security, "the manner and ways of their payment in general being to be distributed by our appointment" as is set forth in the Declaration of November, 1660. Since that Declaration, we have by the Act of Settlement added to the security for these officers, and as they enjoy that advantage under the Act they should not object to the execution of the proviso in it by which Captain Hamilton is to benefit. You shall confirm this proviso in his favour. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 3-4.

14 Oct. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

I have your acknowledgement of the bills sent over. In mine of the first you will see that I asked that the supplemental bill for settling this kingdom might not be sent back with too much haste.

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I have since heard that that precaution was needless as Sir Robert Talbot has procured a stop of it. I and the Council have been considering the omissions from the Act lately sent over, and I hope to submit them for the King's consideration by the next post.

As to the inequality of the reduction of His Majesty's household in reference to the officers below stairs, and of the distribution of board wages, all I have to say is that I wrote on information of those whom I thought might know, and did not take any allowance but what I was assured was constantly taken in the like cases by my predecessors.

If the King wishes to reduce these "I make humble tender of my pretension to him."

You will this post have a list of the letters which I sent and which have not been returned. If I am told the reasons for this I shall endeavour to answer them, or else consent in the letters being laid aside. I thank you for that for Colonel Fitzpatrick, and am sure that mine concerning the condition Lord Mount Alexander has left his family in will induce the King to sign that letter when it shall be again transmitted to you with such alterations as are become necessary since his death.

The letter offered for Sir George Lane has already been so fully promised him that it would be a convenience rather than a favour to send it to him.

Looking over all the letters which I had from you before I went into the country I can find only one which mentions the passing of the three Commissioners into England, and I received no warrant therefor from the King, though you say one was sent me before your leaving London. This mistake has made them think I reserved the warrant and kept them from a journey of which they have long been fond; and hence it is that they have procured the King's warrant for their going over without consulting me as to whether it would be for the King's service or not that they should go, though, according to what you wrote me, the King was pleased to leave it to my discretion whether they should stay or go. They are now preparing to go in answer to the Royal Warrant.

I have no objection to Sir Robert Byron being Master of the Ordnance; but I think the King, in desiring to serve him, may disregard the economy which would follow from the appointment, as I proposed, of my Lord Dungannon. Lord Dungannon would, for this post, surrender his "expectance" of the Marshal's place, the cost of which would thus be saved on Sir Henry Tichborne's death.

You will see by the enclosed information of one Hall, a coiner, that it was a traffic very much spread in the North. If you should manage to apprehend those whom, by his information, you will find principally guilty, this man may be sent to make party against them, for which, and this present discovery, he may merit the King's mercy.

As to Mr. Garret Moore, whom the King desired to imprison for allowing Granger to escape, I send you an explanation of his, and

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forbear to put further restraint upon him until I receive your order for it. *Pp.* 2½. *Signed. Add. in* Sir George Lane's *hand:* "For yr self." *Endd. S.P. Ireland* 314, 116. *Enclosing—*

The Lord Lieutenant to the King.

Since we here had written and done all we could in the affair of the Marquis of Antrim and I had pointed out what construction might be placed on this extraordinary interposition, I have done nothing more, except apply myself to the prevention of any inconvenience that might arise to your service from the ill humour of that affair. I should now have kept silence, but that I hear my Lord of Antrim and his friends endeavour to get it believed that though I am publicly against him, I privately support him. If this is believed here it would cause me to lose some of the credit of which the whole is necessary for your service, and might, if it reached your ears, cause you to think less of the arguments by which I have endeavoured to secure that the Marquis of Antrim should be left to an ordinary trial like others. I know nothing against the Marquis except his disservice of the Crown, and nothing to make me proceed indirectly in his favour. What I have written upon this matter is absolutely my sense. Pp. 3¼. *(Hol.). Dated* 14 *October, Dublin. Endd. Ibid.* 116, 1.

14 Oct. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

You will before this have heard from the Earl of Orrery of my concurrence in his scheme for compensating you in case you should fail of the bounty designed for you by the King on Lord Clanmalery's estate. It is to be fixed on the half-year's rent last obtained for His Majesty from the adventurers. I am most ready to do my part toward your satisfaction in the way proposed and want only some instruction how and when to propose it to the King. You say Sir Thomas Vyner has a warrant for the whole sum, but you did not know to what purpose. If you will send me a draft letter granting you a satisfaction of this kind I will ask for the King's signature to it. This is all I can say at present. *P.* 1½. *(Hol.). Add. Endd. Ibid.* 117.

Same. Sir George Lane to William Godolphin, Secretary to Secretary Bennet.

I find by yours of the 25th of September, how much I owe Mr. Secretary for his resolution to make a fresh attempt in that concernment of mine which lies before him. Pray thank him. I am very grateful for your care of my interest in the Somerset commissions. *Other details.* I would gladly receive your commands. *P.* 1. *(Hol.). Add. Endd. Ibid.* 118.

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20 Oct. Whitehall. The KING to the LORD LIEUTENANT for JOHN BULTEEL.

By letters patents under the Great Seal of England dated 21 January, 1661, we assigned to John Bulteel all bonds and recognizances taken in the port of Galway between 1 May, 1656, and 14 August, 1660, for transportation of wool or woolfells into some port or ports of England or Wales, and which have been forfeited and all sums of money thereon due and to be recovered. We hear that the bonds assigned, and divers others, are become forfeit, one of £1,000 entered into by Robert Kirwoan and Peter Lynch, vizt., dated 9 August, 1658; one of £327, dated 1 September, 1658, and entered into by Robert Kirwoan and Anthony French; one of £680, dated 10 January, 165$\frac{8}{9}$, and entered into by Kirwoan, French and Laurence Dean; one of £1,400, dated the 29th July, 1659, and entered into by Dominick Browne and Dominick Lynch; one of £637, dated 3 August, 1659, and entered into by Walter and Ambrose Lynch; one of £324, dated 21 January, 1660, entered into by John Kirwoan and James Martin; and one of £1,554, dated 16 July, 1660, and entered into by Stephen Lynch and James Martin. Bulteel complains that the proceedings on these bonds in the Court of Exchequer are delayed. You shall direct the Treasurer, Chancellor and Barons of the Exchequer, and our Attorney-General, to issue to Bulteel such writs, process, &c., as he may require for more speedily levying the sums thereby forfeited to us. *Pp.* 1$\frac{3}{4}$. *S.P. Dom. Signet Office VI. pp.* 5-6.

Also entry of same. *S.P. Ireland* 312, *pp.* 163-5.

14 Oct. Dublin Castle. COPY of SIR GEORGE LANE to SECRETARY MORICE.

I am sorry to be so late in answering yours of September 5, but I was away from my papers when it came. I am most willing to pay you all the respect due to a person in your position. I have answered all your letters in the last nine months except one letter in which you offered your services to the Lord Lieutenant on the "laying down" of Secretary Nicholas.

That letter did not come to my hands till long after Sir Henry Bennet had been appointed to succeed him, and the Lord Lieutenant had asked that he should be the Secretary for Irish Affairs.

I could not after that speak to the Lord Lieutenant on a matter on which he was engaged. In the matter of an appeal made to me by you and my Lord of Bath jointly, in regard to a grant of land to you in Ireland, I told you of the remissness of some agent of yours, and got the best answer I could for you from the Lord Lieutenant. I was unfortunate in not renewing the *caveat* I gave you formerly against Mr. Hore. My not doing so has been fatal to me, and I am sure you will not think I should have been so negligent of my own concerns as not to have done it with you, from whom I only expect good offices, if I had not thought myself firm enough in having done it with Mr. Secretary Bennet, from whose hands I expected the King's pleasure in all Irish affairs.

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I say nothing of the mistakes which have prevented me from having the relief intended for me, as I find, by the Earl of Anglesey and the Lord Chancellor.

I shall only remark that if the question of the truth of the allegations put forward by Hore's children (that their papers were in possession of others out of Ireland since the sitting of the Commissioners of Settlement) had been left to the decision of the Commissioners, the judgment of those Commissioners would never have succeeded as it did to my prejudice. Those allegations were proved false at the trial. I hope you will help me in any future matters which may fall in your way. *Pp.* 1½. *Endd.:* "Copy of my letter to Secretary Morice." *S.P. Ireland* 314, 119.

14 Oct. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I depend on you in my affairs and am grateful for the good services done me by Colonel Richard Talbot at Bath. I know that you will assist me in anything that is reasonable. He will acquaint you with "the nick of time" in which your affair is to be proposed to the Council. *Other details.* *Pp.* 1¼. (*Hol.*). *Add.* "For yr self." *Endd.* *Ibid.* 120.

16 Oct. Dublin. WILLIAM FULLER, Bishop of Limerick, to SECRETARY BENNET.

I am unable to endure your silence and write again as Mr. Lee is going over. I hope that "among the old remains of Christchurch," to which I hear you are very kind, you will not forget me. *P.* 1. (*Hol.*). *Add.* *Endd.* *Ibid.* 121.

17 Oct. Dublin. THOMAS PAGE to JOSEPH WILLIAMSON.

I am to importune you again for Mr. Gernon, a Munster gentleman, who after three months' waiting cannot get what was intended him by the Lord Lieutenant and Council. His letter was for £100 and was mislaid. He is nearly 80 years old and of good merit.

I say nothing to you of my own cause, as I think I have by this time a "cause dormant" with you. Mr. Page will look after it for me. *Pp.* 1½. *Add.* *Ibid.* 122.

17 Oct. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

Sending a letter in favour of Sir William Domvile. Sir William's prudent management of the charge against those who were conspirers of the late plot merits the King's favour. *P.* ½. *Signed.* *Add.* *Endd.* *Ibid.* 123.

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17 Oct. Dublin. The Lord Lieutenant to Secretary Bennet.

I have in yours of 21 September the King's pleasure regarding my Lord of Inchiquin. I therefore have transmitted to you the draught of a letter for the payment of the remainder of the £5,000 to his Lordship, being £3,750. Please offer it for the King's signature; and when I get it I shall soon show his Lordship how ready I am to execute it and how I esteem his services and sufferings. *P.* ⅔, *&c., as foregoing. S.P. Ireland* 314, 124.

Same. Same to Same.

Colonel Jefferies being a man who has much merited in the King's service, I have thought fit to transmit to you a draft of a letter for putting him into possession of some lands formerly granted by the late King to one Edward Bassett, whose daughter Colonel Jefferies married. When you shall upon persual of that draft have been satisfied of the justness of the grant I desire you will soon offer it for the King's signature. *P.* ½, *&c., as foregoing. Ibid.* 125.

Same. Luke Gernon to Joseph Williamson.

I confide in Mr. Page's intercession for me and in his assurance of your favour. I hope the matter will be quickly arranged and that when it is perfected you will have the letter put in the Duke's pacquet as the letter desires.

I am very poor and must "rely upon your benevolence, but I hope that by the benefit of that letter I shall be able to make a more real acknowledgement, which shall be readily performed, Sir, by," &c. *P.* ⅔. (*Hol.*). *Add. Ibid.* 126.

20 Oct. Dublin. Winston Churchill to Secretary Bennet.

I need add nothing to my late letter on our affairs here, but to apologise for its length. It is a pleasure to serve you however great the trouble be. I hear that there are fresh proposals more unreasonable than those already in the Bill [of Explanation] to go to you, and—what is worse—that my Lord Lieutenant approves them. This is astonishing to some knowing people here, who think them more than are downrightly unjust. The only remedy is for the King to send such a law as is most agreeable to his own sense, which, should they dare to deny, the fear he should order us to proceed upon the old, or the Parliament of England make a a new, will force them to it. But I leave the matter to Sir R. Rainsford and Sir Thomas Beverley whom I have prepared for your acquaintance. I am sorry I could not go myself with them having "a passionate desire to kiss your hands." *P.* ½. *Signed. Endd. Ibid.* 127. *Followed by—*

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EXCEPTIONS to the BILL TRANSMITTED into ENGLAND.

1. The bill takes away the lands of persons transplanted into Connaught and gives half of them to reprizable persons. This is very hard, because the usurpers took away all their old estates and banished them into Connaught, chiefly for being Papist and there gave them only two-thirds of the value of their estates. These, by the Act of Settlement, they may either enjoy or be restored to their old estates if they be innocent. This bill takes away that which was thus given them in compensation and gives half of it for reprisals to adventurers and soldiers. The other half the proprietors cannot keep themselves unless they can obtain to be nominated by the Lord Lieutenant and Council.

2. The lands in corporations which belonged to Papists adjudged innocent by the Commissioners and not restored, but a reprisal ordered, are by the bill transferred to the '49 officers. This will take away the King's power to restore them to their lands in corporations if they please, which is reserved to him by the Declaration.

3. The bill gives power to the Lord Lieutenant and Council to moderate the King's quit rents where they think fit. This is against the Declaration whereby the quit rents were reserved to the King out of the lands of adventurers, soldiers, and reprisable persons. It will tend to the "lessing" the King's revenue here, which is used chiefly for support of the King's militia. If it fails, supply must come from elsewhere.

4. The bill repeals the qualification that none shall have the benefit of the Act of Settlement, who shall have endeavoured or shall, by overtact provably done since the Restoration, endeavour the disturbance of the public peace, or have manifested aversion to the King's restoration or government. The taking away of this restraint will be an encouragement to faction and rebellion, to which the people here are too much inclined. Witness, the late plot, which was hatched before the sitting of the Commissioners [of Settlement] or any occasion of discontent by their judgment. Witness, also, the protestations against the authority and jurisdiction of the Commissioners which have been publicly made here, and the petitions lately made against them. These things show that restraints should be rather increased than diminished. *P.* ¾. *Endd. S.P. Ireland* 314, 128.

ENTRY of PETITION of RUTH WILLIAMS.

Desires the King's grant of the King's title to certain lands which has been assumed lately by certain persons who contracted with the petitioner's late husband.

20 Oct. The King directs reference to the Lord Lieutenant of Ireland. *P.* ½. *S.P. Dom. Entry Books XIII. p.* 359.

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20 Oct. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I introduce my brethren, who will be useful in the conduct of our Irish affairs. They are zealous and knowing and will advise His Majesty impartially, which none can do who has an interest here. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 129.

Same. SIR WILLIAM DOMVILLE to the SAME.

I have sent you a full account of affairs here by my cousin, Robert Lye. I also offered you information of the gross frauds practised by adventurers and soldiers and the great loss which will be suffered by His Majesty if they are not prevented. Sir Richard Rainsford, who takes this letter, will be able to bear out what I say. He has served the King well and I have given him some papers that will make out the frauds of Blackwell and Roberts, &c., and the damage which may befal the King in matters of that nature. I have no prejudice in this matter and nothing to gain or fear. I am unpopular only because I serve the King loyally and affect truth. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 130.

20 Oct. ENTRY of WARRANT to the ATTORNEY or SOLICITOR-GENERAL.

Directing him to prepare a bill for the Royal signature to pass the Great Seal for pardoning the Earl of Tyrconnell for all offences committed in England or Ireland before 29 December, 1660. *P.* ½. *S.P. Dom. Entry Books XV. p.* 219.

22 Oct. Dublin. The LORD LIEUTENANT to the KING.

The time spent here by Sir Thomas Clarges has been devoted to your Majesty's service, and few here can give him a better account of the present state of this place. He is "particularly knowing in the main design," and in all the particulars of the present Act. He will therefore be useful in the matter now to be considered. *P.* 1. (*Hol.*). *Endd. S.P. Ireland* 314, 131.

Same. The SAME to [SECRETARY BENNET or JOSEPH WILLIAMSON ?].

I have now transmitted to the Earl of Anglesey a new establishment agreeable to several of His Majesty's letters in favour of several officers of the civil and martial list. I have advised some changes which I know from my own observation to be fitting, and on the whole the King will find that enough has been saved in less important particulars to pay the Royal Regiment which is now placed upon the settled establishment of this kingdom. Amongst other things you will find a suggestion that the troop called mine, which is of 100 horse and more than double the size of the ordinary

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troops and for which extraordinary pay is provided, may henceforth be appointed to the immediate guard and command of the chief Governor or Governors for the time being under the title of "His Majesty's Guard of Horse" and that when any troop fall vacant it may be given me in place of that, wherein I propose not for double pay. I also propose that another officer, with the name of Lieutenant, be added to that troop, the charge whereof will be saved with advantage when I am provided with another. Lord Anglesey will explain other details. I have an inkling here as if one Thomas Boyd, a merchant here and now under restraint here in connection with the late plot, hoped to get off without trial on giving money to some undertaker. I hope the King will not permit this but that, if there be enough evidence against him, he be tried for high treason and left to his trial; but that it be left to me to compound with him in case there is only sufficient evidence to convict him of misprision, in which case he only forfeits his life interests. Whatever may be gained from him will be devoted to the King's service, which needs all the help that can be given to it.

The Commissioners went hence on Wednesday last and I hope Sir Thomas Clarges, with the amendments to be inserted by the King's command in the Bill of Explanation, will soon overtake them, and that no time will be lost in taking into consideration the unsettled state of this kingdom. Nothing is worse than that people should be long held under the apprehension of being ruined in their fortunes, which is the case of all those that have not had favourable judgments in the Court of Claims.

Since my last, a petition has been presented to me by divers of the Irish nobility and gentry importing their great fear that very slender provision is made for them in this Act, and a desire to be permitted to send over agents to supplicate His Majesty for some alterations to their advantage. I communicated this to the Board and it was there resolved that they should not be hindered from their applications, which cannot have any more effect than the retardment of the return of the bill, since it will be better for the King and kingdom to have almost any settlement than none. *Pp.* 2⅛. *Add. in* Lane's *hand*, "For yourself." *Endd. S.P. Ireland* 314, 132.

22 Oct. Dublin. The Lord Lieutenant to [Secretary Bennet or Joseph Williamson?].

As Sir Thomas Clarges is going hence I send this despatch by him. Since the draft act "for explaining some doubts which have arisen in the execution of" the Act of Settlement was sent over, it has been discovered that several alterations in that draft act are necessary. These, as you will see when you peruse them, will be for the good of the King and kingdom and will help the settlement here. The Earl of Anglesey and Sir Thomas Clarges are fully instructed in regard to them and I have taken the opinion of some of the judges and other of the Council and the King's counsel here

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in respect of the changes proposed. They [the alterations] are pinned into the spots in the Act where they may best be inserted.

A copy is also sent of the Act with the additions inserted so that, if the King approves all as we desire, it may be engrossed and may pass the Great Seal. I have adopted this method so that the amendments, if made, may appear to be made by the King as is done in the ordinary course, and that I may avoid making a new and formal transmission of an Act formerly transmitted, which is not usual. *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 314, 133.

22 Oct. MEMORANDUM by the COMMISSIONERS of the IRISH CUSTOMS to the LORD LIEUTENANT and COUNCIL.

By your Grace's and your Lordship's order of 19 September we are directed to certify whether or no the profits arising by His Majesty's Customs and imported Excise shall be as certainly answered and paid from time to time while collected by His Majesty's officers and ministers as they would be if farmed. We have been further ordered to certify such expedients as we think desirable for advancing the revenue. Before answering to these orders, we feel obliged to lay before you, by way of premise, our apprehensions of some disparity of the receipts aforesaid and of the payment of them to the King under the management and the others as follows:—

1. Under collection, the receipts will be duly exacted according to law without any diminution or lessening, but what shall be thought good by your Grace and the Council for some public cause or reason. Under farm, otherwise, in respect the farmer will have power to dispense with more or less according to the reason of his own private concern.

2. Under collection "the trade or commerce of this kingdom will be more general and diffusive without respect to place or persons and the manufacture thereof receive encouragement when everyone coming to the same mercatt [market] shall pay one and the same rates for his goods, and the importation of goods prejudicial to the manufactures here shall, according to law in that particular, be discouraged. Under the farm otherwise; the farmer can (and therefore, may be, will too) bring trading to this or that port or place, as he shall think meet, and engross the trade of the whole to himself or such others as he shall think fit either by trading himself or permitting others at low and easy compositions to bring in goods, or by conniving and winking at the bringing in or carrying out of contraband or prohibited goods to the discouragement of trade in any others but himself and friends." This would prejudice the present and future trade of Ireland.

3. Under collection the King's duty will still be coming in to answer his occasions. Under farm, the farmer may, by composition and otherwise, so fill the markets with goods before the end of his term that the King will be compelled to let it to him at his own terms (for none else will bid after his forestalling) or to put it

under collection at a loss. Thus if the King lets for six years the farmer will be sure to get the profits for 6½ years or more. It is inpossible to so strictly frame a contract for avoiding this but that the farmer will find means to evade it.

4. The King's Commissioners will be impartial administrators, but the farmers will not be so.

5. By setting to farm the King ceases to be master of his own purse.

6. Under collection the full benefit of the receipts (less cost of collection) will come to the Crown. Under the farm anything which comes in over and above the rent will go to the farmers as profit. Thus the King gives a greater sum for a less.

7. The farm rent can only be demanded at the agreed times; but the Customs and Excise, if collected, will come in by the week, month or quarter. If the farmers fail to pay, the sums cannot be recovered without a law suit (which will be defended with the King's money and) which may cause inconvenient delay.

We think therefore that the Excise and Customs should be collected by fit ministers and officers, who should have more liberty than hitherto, though not so much as the farmers would expect.

For the benefit of trade and the advancement of these branches of the revenue we make the following suggestions:—

a. If your Grace and the Council decide on the system of state collection, public notice of such intention should be given in order to set people's minds at rest. The merchants withhold importation hoping to compound with the farmer if a farm be granted, or use indirect ways for getting their goods on shore without payment of duties, whilst the officers take their own course and liberty at pleasure, and are loose or careless or worse. The receipts of these duties would have been some thousands of pounds higher than they are had it not been for the rumour that they would be farmed.

b. The Commissioners for management of the Customs and Excise should be at liberty to appoint and remove officers except patentees, and to increase or retrench their numbers as trade may from time to time require.

c. The Commissioners should have the power to put the collection into the hands of such persons as they think fit; the parties to whose collection they are entrusted giving good security for discharge of their trusts, and to pay what is due monthly or otherwise into the Exchequer. The patentees from whom the collection of receipts may be taken should however take and enjoy all benefits, profits and advantages of their offices as formerly, except the receiving of moneys.

Only officers whose competence and fidelity are known to the Commissioners should be permitted to intermeddle in the searching, lading or unlading of ships. Some person appointed by the Commissioners should be present at every search, lading or unlading. The profits and benefits of patentees should however be reserved.

The Commissioners should have power to award suitable salaries to those whom they employ (except patentees).

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The Comptrollers of the Customs in each port should, for better security, be present at all payments for Excise either upon importation or at sale, and shall help the same account thereof as is kept of the King's customs.

These comptrollers shall return their accounts quarterly to the Commissioners, to be compared with those of the Collectors or Sub-Commissioners before they are paid into the Exchequer.

The Commissioners, or their appointees, should from time to time see the Collectors' Green Wax books sent yearly to the Exchequer for detection of frauds. The patentees and all other officers to be compelled to observe from time to time any regulations made by the Commissioners for the better performance of their respective trusts.

Some arrangement should be made for correspondence abroad whereby the Commissioners may hear what goods are being shipped thence for any ports of England and Ireland.

All informations of seizures and forfeitures should be prosecuted *gratis*, if thought fit, or without heavy charges to the informer or the admission of dilatory pleas.

For the despatch and ease of merchants, the Commissioners should be authorised to compound all fines and forfeitures as to Customs and Excise where the Customs of the goods forfeited do not exceed £5. No composition to be for less than double the duties.

These regulations if put in force will benefit the revenue, and bring it to a figure higher than farmers would give for it. *Pp.* 5½. *Signed by* William Smyth, Robert Gorges, J. Bligh, William Dodson and S. [?] Muschamp. *Endd. S.P. Ireland* 314, 134.

24 Oct. Extracts of letters from Ireland and what is done upon the particulars.

Lord Lieutenant's letter of 9 September, 1663. About several matters. Act for gunpowder referred. Acts for Castle Chamber and marriages passed. Act for explanation of the Act of Customs and Excise passed, and to be amended by the solicitors in one point. Act for Bridges and private bills laid aside.

March 28 and May 15. Miles Smith and Thomas Hall condemned for felony. Last-named to discover on pardon. The papers concerning these are with my Lord Bridgeman, who is to be called upon.

The Act for the oath of Supremacy. Is desired by House of Commons. The Lord Chancellor is to write to the Lord Lieutenant about this.

Luke Gernon's case.

August 5. Restoration of Papists to their houses. The King extended his favour but to 6 or 7, and has since stopped, on remonstrance from the Lord Lieutenant. The firehearths. The Lord Lieutenant and Council may set this [tax] at the best improved rate, and not for above five years.

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September 4. From Lord Lieutenant and Council. The bills sent by the Lord Lieutenant and Council referred to the Solicitor, with Secretary Bennet's bill.

Quære for security for the Customs' farm and a signification of a six years' term.

September 9. Lord Lieutenant and Council. Send the Explanatory Bill and give reasons for it. Sir William Dumvile's bill and an Act against stealing children. These are also with Mr. Solicitor. *P.* ¾. *Endd.* "My Lord of Anglesey's extract," &c., *and with date* "made 24 October." *S.P. Ireland* 314, 135.

27 Oct. Dublin Castle. The Lord Lieutenant to [Secretary Bennet].

I had yours of the 10th, 13th, and 17th on the 24th. I hope the Queen has recovered. I trust the judges there rather than those here will be consulted.

I am glad I was mistaken in my Lord General's letter and that no officers are to come here with the men. I have more deserving officers here to provide for than there are like to be vacancies in my time. When the men arrive they shall be distributed in companies in place of those not fit for public service.

I shall by next post inform you regarding the affair of O'Neill and Bathurst. You have already heard from me in your own particular. I shall be glad to assist Lord Fitzharding.

The reason why I left you to be satisfied by Mr. Fox and Sir William Boreman in the matter of the profit I made by sale of places in my capacity as Lord Steward was that Sir William made the contracts for me with such as were admitted upon that account into His Majesty's service under my charge; in regard he had been recommended to me as well for his loyalty and integrity to the King as the skill he had acquired in that kind of traffic by his employment under the Duke of Richmond, and that residing in England he might be able to tell whether those who applied themselves for these employments were competent. I thought he would have knowledge of what had at the time of my coming away been received on those contracts. Mr. Fox has knowledge of the same kind. I find that Sir William now pleads forgetfulness and that he has already given a list containing the facts to Sir George Lane, who sent it on to me. I will look for it and let you have it. I must refer you to Mr. Fox for an account of the receipts for places since my coming away.

The libel concerning Lord Antrim's affair was, I am sure, not printed here, but the materials may have been sent from here—by whom, it is hard to say.

P.S [*in* Lane's *hand*].—Please submit these letters for a regal visitation and for making the Lord Primate the King's Almoner in Ireland. *Pp.* 2¼ (*letter and p.s.*). *Signed. Add. in* Lane's *hand* "For yrself." *Endd. Ibid.* 136.

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28 Oct. Chester. SIR THOMAS CLARGES to SECRETARY BENNET.

Hopes to kiss hands at Whitehall next week. Has sent on a box of writings by post, but desires they may not be opened till he arrives to explain them. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 137.

28 Oct. Dublin Castle The LORD LIEUTENANT to the SAME.

Sends, enclosed, the draft of a letter concerning Lord Carlingford and Lord Dillon's quit-rents. Recommends that it be offered for the King's consideration and approval. *Four lines. Signed. Add. Endd. Ibid.* 138.

General date 28 Oct. DOCUMENTS RELATING TO THE AFFAIRS OF THOMAS MORICE AND WILLIAM DODSON.

Petition and proposal of William Dodson to the Lord Lieutenant and Council.

Mr. Morice and partners have proposed to give £53,000 for the farm of the Customs and imported Excise in Ireland for six years. This was approved by the King and Privy Council in England on 14 August last, unless some considerable advance on the offer of Morice and partners should be made. The final settlement was referred to the Lord Lieutenant and Council, who were to take good security for the fulfilment of the contract.

Petitioner, by order and direction of Morice and his partners, has waited the concluding and perfecting thereof, and particularly attended a Committee of the Council lately. This Committee insisted on the advancing of a quarter's rent and the dissatisfaction of the heads of the articles proposed.

Petitioner answered this question suddenly. Lest he should not have been understood, he begs to make known the following facts:— He cannot agree to any advance, it being foreign to the proposal made by Mr. Morice and his partners in England, and approved by the Council. Those who hold similar farms in England have not been compelled to make such an advance.

Petitioner is willing that £5,000 of each quarter's rent shall be paid at the end of eight weeks and the remainder within 28 days of the end of each quarter during the term of the farm.

Petitioner will not insist so strictly on the articles by him already given in, but will be ready to accept those made between the late King and the Duchess of Buckingham, to whom the Customs were farmed in 1638, or any other conditions which the Lord Lieutenant and Council shall think fit without any defalcations whatsoever, except in case of pestilence, war or decrease of the duties.

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When the contract is made petitioner will give such security for its fulfilment as will be to your Grace's and the Council's good liking. *P.* ¾. (*Hol.?*) *Signed. Endd.*: Dublin, 16 October. Read at the Board, 19 October. *S.P. Ireland* 314, 139.

Petition to the Lord Lieutenant of Peter Harvey, showing that:—

The King's Privy Council having recommended your Grace and the Council of Ireland to accept the tender of Mr. Morice and partners [*see foregoing*] for farm of the Customs, &c., as being better by £3,000 a year for the Crown than that of myself and my partners, I am induced to "view" these proposals. If you will accept these I will pay £3,000 a year more than is offered by that partnership. "But being unwilling to prejudice His Majesty or deal doubly with your Grace, his Vice-Gerant," I shall submit that those proposals are unreasonable and will, if accepted, render that part of His Majesty's revenue wholly insignificant.

In the first place there will be due to the Crown at the time when any farmer enters about £10,000 for Excise of goods and merchandizes already sold, which, if those proposals take place, Mr. Morice and his partners must have and receive towards the payment of their farm; and which by the word "uncleared" in this first proposal, they demand.

Secondly, the act of tonnage and poundage makes many fines and forfeitures which ought in equity to be mitigated; and your Grace and the Council have appointed Commissioners of Appeal, who have the right of reducing or remitting them; "and those fines or forfeitures come to above £10,000 a year; and the said Mr. Morice and partners by those proposals crave allowance of that which, if granted, makes the money they pay insignificant, they having a power to make what they please to be forfeitures and seizures and to impose fines, and if the seizures or fines shall afterwards be reduced or remitted by the said Commissioners of Appeal or themselves, they must have allowance for the same out of the money they are yearly to pay by the eighth proposal." If they waive the forfeiture of Excise and are also Commissioners and Governors of Excise, they are at once judges and parties.

Thirdly. It is usual for your Grace upon emergency suddenly to put an embargo on shipping for a short time. They demand abatement in this case although the embargo be but for a day or an hour, whereas I have only asked for it in cases where the embargo is for ten days.

Fourthly. It may be that the King and Parliament or your Grace and Council may see fit to lessen the customs and duties of some commodities and raise it on others. Mr. Morice and partners ask allowance for all duties lessened, but offer no advance in respect of those which are raised.

Fifthly. The King and Parliament have forbidden the exportation of cattle from Ireland into England, &c., "and of any goods of the growth of Europe to any part of Africa, Asia or America," from

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Ireland, which goods, so exported, have advanced a fourth part of the Customs and Excise in Ireland. Mr. Morice and partners claim abatement in respect of this prohibition.

Being sole Commissioners and having power in their hands, Mr. Morice and partners may make many desperate debts and none can control them, "and if His Majesty must receive all those debts in part of his money they pay him, as they desire in the nineteenth proposal, it will be uncertain whether there will be any money received by His Majesty[, or] only all debts."

I submit these questions to your Grace and urge that my offer be accepted; but I am ready to pay £56,000 on Mr. Morice's terms. *P.* 1. *Signed. Endd. with date,* Dublin, 14 October, 1663. *S.P. Ireland* 314, 140.

Proposal of Peter Harvey, merchant, on behalf of himself and his partners, to the Lord Lieutenant and Council.

Although the offer made by Harvey and his partners for the farm of the Customs of Ireland far exceed what has been made of the Customs and Excise for many years past, yet he is willing to advance the same to £55,000 a year. This is in answer to the letters procured from the Privy Council in England, without the advice of the Lord Lieutenant and Council of Ireland, in favour of William Dodson and his partners.

Harvey hopes that there will be no more delays or "dilatory offers" in this matter. *P.* ½. *Endd. with date,* Dublin, 18 October, 1663. Presented at the Board, 28 October, 1663. *Ibid.* 141.

Entry of the King to the Lord Lieutenant for Thomas Morice and William Dodson.

Dodson and Morice recently made an offer to us for the farm of the Customs of Ireland, which was better by £3,000 by their competitors Harvey and others. On 14 August last, by the advice of our Council, we recommended you to accept this offer, but are told that you have not yet done so. You shall confirm the contract made "with us with the said" Morice and Dodson. *Pp.* 1⅛. Dated 13 October. *S.P. Ireland* 312, *pp.* 160-161.

This concludes the documents relating to this case.

28 Oct. A BRIEF of the EVIDENCE AGAINST several prisoners committed upon the PLOT for the surprisal of His Majesty's CASTLE of DUBLIN, with the opinion thereupon of the ATTORNEY and SOLICITOR-GENERAL.

Against Captain Richard Holt.

John Foulkes says that Chambers told him that he had sent to Captain Holt about it, *viz.*, the design, and did expect him in

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Dublin. Afterwards Holt and the deponent came to Dublin on May 20, and Holt came up about it, and Holt and the deponent had some talk on the way about the business. Speaks of a letter from Chambers to Holt.

Captain Chambers says: I told Holt of it, and sent him a letter enclosed in Foulkes'. Holt and Foulkes came to Dublin on Wednesday, 20th May, with intention if I engaged they would also.

Ruxton, jun., says:—On 20th May, 1663, he came with Foulkes and Holt from Atherdee to Dublin. On the way they talked of taking Dublin Castle. Holt said that if he imagined the design was not for the King and the English interest he would have no hand in it, and that the declaration was to that purpose.

Opinion of the Attorney and Solicitor-General.

The evidence against Holt is full to prove him guilty of misprision of treason, and, if Chambers will testify plainly that he did consent to act and came to town for that purpose, it will be evidence to prove him guilty of treason, though but a single witness, by the laws of this kingdom. But Chambers' information as it is penned by himself is somewhat doubtful. *Signed* (*not hol.*) William Domvile, John Temple.

Evidence against Robert Shapcott.

John Foulkes says Chambers wrote to him to return quickly to Dublin, and wrote him word that Colonel Shappcott desired him to be there.

Captain Chambers.—Blood told him that Colonel Shapcott and Sir Henry Ingoldsby would be on horseback as soon as Blood had taken the Castle, to act in it as they had engaged to do.

Tanner.—Blood informed him that he had acquainted Shapcott with the design, and Shapcott advised that he should only consult with one another alone and not when many people were present. Colonel Staples told deponent, when he was going into the North last April, that if he were not well assured of Shapcott appearing in the business to head a party, he would never have engaged in that design.

Sandford.—Blood, after his return from the North, appointed, about Twelfth-tide last, the deponent to meet him at Shapcott's house. Deponent called, but found only Shapcott, and Shapcott did not know where the others were. Next morning Thompson told the deponent that he and Blood and Lackey and Shapcott were at [Boyde's or] Boyd's the night before.

Boyde.—Shapcott, Blood, Lackey and Thompson came to his house about the beginning of January last, about eight at night. Soon after they came Blood and Shapcott went aside to the chimney and talked; but what he knew not. After this Blood acquainted them with his and Lackey's being in the North and of all that matter, and of the design against the castle, city, and three kingdoms. Shapcott asked them if they would be in a position to keep the kingdom if they took it. They engaged to keep secret what had happened and parted. About 10 February Blood and Lackey met

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deponent at the *Swan* in High Street. Deponent asked for Shapcott and was told that he had disengaged himself with a promise to keep secret.

Forde.—The day he was bailed he went to the Four Courts and there met Shapcott, to whom he said that Sir John Stephens could make nothing of this plot. Shapcott said "No, nor ever will, more than of the last."

Opinion of the Law Officers, as above.

The evidence against Shapcott depends mainly on Boyd's testimony, who is the only positive witness against him. It cannot prove more than misprision. *Signed* as last opinion.

Evidence against Colonel Staples.

Tanner.—In mid April, 1663, when Colonel Staples left Dublin, he told deponent he was going to the North to deal with the Scots for their conjunction in the design of taking the Castle of Dublin, and that he would, if he could, secure Londonderry. After, this deponent received a letter from Staples that the Scots came in apace, and that by Blood's appointment he was to send a man to "the Nurie" [Newry] to send him news from Dublin, and that when they had intelligence that the castle was taken they would march and take the field.

About 1 April last, Charnock came from England and lodged at Philips', the glover's, in Castle Street, where Blood, Colonel Alexander Staples, and deponent met him. Blood told them he meant within a week of May to take Dublin Castle.

Last April, when Staples was going into the North, he told deponent that if he were not well assured from Colonel Shapcott of his appearing in the business to head a party, he would not have taken part in the design.

Chambers.—Blood told him that Staples and Harte were in the plot.

Sandford.—On May 23 a letter was read by Tanner before deponent, Alden, Tanner and Chamberlain, which signified that, if Dublin Castle were taken, all would do well. Tanner said the letter came from Staples, but deponent observed that it was not Staples' hand, as he believes, and that all the rest had seen it before.

Boyd.—Blood told deponent about May 8 that the business was going on, that they would have more hands than they did desire and that one of the House of Commons had undertaken to secure Londonderry. "'But I am sworn,' said he, 'not to tell his name, but you may guess;' and I guessed Lieut.-Colonel Staples and he smiled on me, but did not say whether it was he or not."

Harte.—Deponent asked Thomas Blood, about March, 1662, if Staples was joined with them and was answered that he was. Staples was often with deponent at Dublin and when he returned he sent for deponent to Derry the first of May and told deponent there, together with William Johnson, who was then there, that there was a design to surprize the Castle of Dublin about May 20.

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His part was to take in Derry, and when he was asked by William Johnson how he could do it, he answered, the company had been his own, and they would certainly follow him upon his call to them, and that he had some employed among the soldiers. Who these were deponent does not know. Afterwards Staples communicated this to some excommunicated persons, who refused to join him through deponent's influence, as they will, if asked, testify.

Opinion of the Law Officers.

This evidence is full, and proves Staples guilty of treason within the Statutes 10 Henry VII and 28 Henry VIII. Both are in force in Ireland. *Signed as above.*

Evidence against Thomas Boyd or Boyde.

Scott.—Gives evidence as to seeing Boyd in Castle Street, near Fethers Tavern [*? The Feathers*], when he (deponent) was about to go to Barbados on 20 May, 1663. *Other irrelevant evidence.*

Lackey.—In May, 1663, saw one McCormick in Boyd's house in Copper Alley.

Sir Theophilus Jones.—Jephson told him they had a bank in Dublin sufficient to pay off all arrears. If he were not mistaken he saw three or four firkins (*inuendo* moneys) carried into Boyd's house.

Sandford.—About 10 May, 1663, he asked Boyd if he had any news from the North. Boyd said that a gentleman had come thence and gone again, and that he might hear further. He does not remember the person's name, or whether Boyd named him.

About twelfth tide Thompson told deponent that he, Blood and Lackey had been at Boyd's house the night before. About two nights after, Boyd, Lackey. Blood and others met deponent at the *Bell* in Fishamble Street, and Moore came to engage with them in the secrecy, " which engagement he gave in all their presence."

Opinion.

There is but one positive witness here, and only to misprision. *Signed as above.*

Evidence against Captain Abraham Hoare.

Thomas Wright.—On Tuesday night, 19 May, 1663, Hoare came to deponent's house in Sheep Street [Ship Street], where was present Lieutenant-Colonel Elton.

This deponent, at Hoare's earnest desire, walked with him to Lazey Hill, and Elton went with them. On the way, Elton being behind, Hoare whispered into deponent's ear that there would be something attempted on the castle suddenly, and that deponent might dispose of himself as he pleased.

Colonel Richard Elton.—On 19 May deponent was at Wright's house. Captain Hoare came in and desired them to walk to Lazey Hill. Deponent saw Hoare and Wright talk together. Wright said that he had heard from Hoare of the attack on the castle, and had been asked if he would join in it.

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Opinion.

There is only one positive witness here, and only to misprision. *Signed as above. Pp.* 5½. *Endd. S.P. Ireland* 314, 142.

29 Oct. Dublin. SIR WILLIAM DOMVILE to SECRETARY BENNET.

On the 19th of last month I sent you a proviso for your estate in Clanmalira, and sent you a long narrative of the Bill of Explanation lately transmitted, together with two clauses not unfit to be inserted therein for remedy of some mischiefs not fully realised in the first conception of that bill. Possibly many things in it may not seem reasonable to parties unconcerned, but when it is remembered that most of the compilers were interested persons and that it was drawn to suit them, one can only wonder that it was not worse. However, as to the method, it is humbly conceived that the rule presented may be pursued with good success, viz., to restore the Irish by name personally. The restoration by qualifications is found to carry this with it, that many are restored who should not be and many not restored who should be.

Some are no doubt notoriously guilty; but all who were "borne down in the stream of that common apostacy" ought not to suffer. On the other side the adventurers and soldiers, however they have not proceeded regularly in all things, have parted with considerable sums, though misapplied by those who received it; and others have acted for the benefit of the Crown though not so intended at the first. The King has declared that the better qualified of both classes shall be restored. "So that of necessity some of the Irish must be totally laid aside as examples of His Majesty's justice and in order to satisfy others; yet all of them may not be rejected for the demonstration of His Majesty's mercy, and to preserve that spreading Royalty of His Majesty's crown to be King of many nations and languages." The question of how to do these things justly is now presented for the King's consideration.

If it could be made clear to the King what the total of forfeited lands amounts to, and it were resolved what proportion the King would restore to the former proprietors, and the residue would answer the demand of the adventurers and soldiers, the work would soon be at an end. But when many great proportions of land reputed forfeited are not so found, nay that the proprietors are more deservedly restored than the pretended purchasers from adventurers or soldiers are thought fit to be continued in them, how can it be possible to make any estimate of the total of forfeitures or ground any distribution upon that rule. For the innocents are more than the first compilers of the Declaration would readily acknowledge, and therefore the satisfaction of the adventurers and soldiers must be so much less than was expected.

I therefore offer it to your Honour that such as are restored under a supputation of innocency may be such as are of honour and quality fit to be preserved for the dignity of their families and the safety of the kingdom, and, that being done, whatever remains may be equally divided for the satisfaction of adventurers and

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soldiers, and the reprisals of such as are reprisable. But it may be objected that possibly that proportion may fall very short of answering the demands of the adventurers and soldiers and they will then receive little or no satisfaction.

1. I should first suggest for your consideration that they are not to receive any satisfaction by his Majesty's Declaration unless they are duly qualified within the rules therein prescribed, which are more particularly mentioned in the Act of Settlement, page 13. Those were qualifications of their own election and they were grateful to the King for admitting them, and waving the other advantages which the King otherwise had against them as is set down in page 28 of the Act. So that to keep them to those rules is but just.

2. I offer that, in case they be kept under these qualifications—I mean those on *p.* 13 and *p.* 109 of the Act—it is more than probable that there will be but very few duly qualified to receive satisfaction or reprisal. Their frauds without peradventure are many, and those that paid their money duly according to the Act of 17 and 18 Car. I, are but a few. By no means should those qualifications be altered, however so proposed in the last bill.

3. The original adventurers and soldiers are few, but the assignees and purchasers from them and transplanted persons are numerous, and their frauds as many. The danger to the King arises from these purchasers, "for be the adventurer's lot good or bad, the sold debenture fair or forged, the transplanted person's decree never so oppressive, yet if the assignee or purchaser of any of these be a Protestant or a Potentate, he will seek to have it made good against His Majesty by some special proviso—where possibly the party himself could have claimed nothing. This I humbly conceive to be a great slander to justice. Why should any man's potency patronise oppression? Why should any man under a species of religion protect fraud?" All qualifications and purchases should be examined by the rules prescribed in the King's declaration: and if it appears that there has been no fraud or forgery, and that the party was loyal to the Restoration, then let him have satisfaction according to what they have paid and are truly out of purse, "and, without all peradventure, there will be found land enough clearly forfeited to answer such satisfaction. "But when one man hath gained a large territory from a poor oppressed transplanted person for a year's value and less, and another hath multiplied 5,000 out of 1 by the rule of arithmetic in the doubling ordinance, and third hath purchased the whole arrears of a needy regiment at 10 groats per £1, why should His Majesty be bound to make all these purchases good?" They are certainly void by law, and I do not see why a special act should be passed to make them good against the King. Moderate and just demands alone should be satisfied.

I may give the following illustration. One Mr. Whaly [Whalley], Judge Advocate to Cromwell, adventured £450 and £150 more under the Doubling Ordinance, making £1,200 in all. His lot fell on Ulster, where 1,000 acres were to be set out for every £200; so his whole proportion was 6,000 acres. This appears by

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his own affirmation before the Council Board to have yielded £2,000 a year. Well, this happened to be part of Lord Clanbrassil's estate. He compounded and was restored, and Whaly prays a reprize. This was given him in Connaught, whereby the Act rate £300 is to be paid for every 1,000 acres. He ought, therefore, to have had only 4,000 acres in that province. Yet it appears by a survey taken in my Lord of Strafford's time that the lands he had in possession were near 10,000 acres. These lands fall out to be part of Lord Clanricarde's estate, who is now restored. "And shall the King be bound now to allow Whaly a reprize of 10,000 acres, or set him out lands worth £2,000 a year. This indeed were a rare purchase for £450 adventure!"

Again Mr. John Blackwell of Moreclacke [Mortlake], in Surrey, who was Treasurer at War to Cromwell, pretends to have purchased an adventure of £2,350, and, by the rule of the doubling ordinance, to have multiplied this sum to £4,100. For this he had lands in Dublin and Kildare, where he would choose, to the number of 6,833 acres set out to him. These lands on a late survey have been valued as worth £60,000, to be sold at 21 years' purchase. On due examination it cannot be found that Blackwell ever paid a farthing[1] for all this, and the lands are most of them restored by the Commissioners of Settlement to the former proprietors. "Shall the King now give a reprize of £60,000 to a pretended adventurer that never adventured a groat? *Durus erit hic sermo.*"

I shall give you an instance of the purchase of soldiers' debentures.

One Mr. Roberts, who was auditor here to Cromwell, purchased of soldiers' arrears, for English or Irish service, as much as amounted (I mean the arrears) to £1,000. This sum, according to the course of these times might cost him near £200 at 10 groats per £1. Well, he was a favourite as Blackwell, and had liberty to pick and choose 4,000 acres in Ulster. These lands are worth £900 a year. These are now restored, and the King is asked to compensate Roberts with lands to the value of £900 a year!

These cases could be multiplied. Will any rational man judge that the kingdom should remain unsettled till these exorbitant claimes are answered. If the King had as many kingdoms as he has provinces it is much feared that he would not be able to answer all the claims and exorbitancies which may thus be obtruded upon him.

If their true expenses are repaid, then we might indeed hope for a settlement. They have received some five, some seven, some ten annual profits from the land, which is twenty times more than any money of which they are out of purse.

I formerly submitted two rules:—one that Connaught purchasers should be examined before being confirmed; the other that all persons reprisable may be equally reprized out of the common stock, and not one in the co. Dublin, one in the co. Kildare, Cork or

(1) Not quite accurate. *See Cal. of S.P. Ireland Adventurers*, 1642-59, *Index s.v.* Blackwell, John.

Louth—which are "the flowers of the kingdom," and so obtain a preference before more deserving persons.

I have only this further to say, that since the transmission of the Bill there have been some amendments offered to his Grace to be transmitted as from the Board. They were referred to the Judges and King's Counsel. The majority were of opinion that the Board cannot transmit amendments or additions (by Poynings' Act) no more than the House of Commons can offer an amendment to any Bill after they had sent it up to the Lords. There is no precedent for sending a rider under the Great Seal to be added to any Bill. I find the Bill is transcribed with those amendments, but do not know to what end.

The heads of the amendments offered are briefly these:—Where in the Bill transmitted there was a saving in the vesting clause of all such interest as Protestants or innocent Papists had on Act 1641, it is now offered that it may be as in the Act of Settlement where the interest that Protestants had in October, 1641, is saved, but the interest of Papists is saved without limitation of time.

2. It is offered in this amendment that all the Irish who shall be restored *ex gratia* shall pay a year's value of their lands in two years' towards reprisals. This is, I think, hard on the Irish, who, by the great Act, are already compelled to pay a year's and half a year's value. See page 118.

3. It is moved that the rents of all concealed lands for these three years past since the King's restoration shall go to increase the common stock of reprisals for adventurers and soldiers.

This I conceived to be as hard against the King as the former was against the Irish: for the profits of all concealed lands enjoyed without title are vested in the King by the Great Act, page 8. I do not see why the King should have three year's value taken from him to satisfy the adventurers and soldiers; unless it be to reimburse themselves for the year's and half year's rent they gave the King for passing the Declaration, *p.* 29: and so they would be double gainers for the things they render to His Majesty.

4. The bill transmitted gives the Commissioners power to divide the common stock of forfeited lands into two equal moieties, the one to be for reprisals, the other for restoration of the Irish. The amendment places this power in the Board and not in the Commissioners.

5. Where, by the bill transmitted the Commissioners are to set out reprisals to adventurers and soldiers of equal value, it is, by the amendment, left to the Board to declare what shall be deemed to be equal value.

6. Where, by the great Act of Parliament *p.* 109, all forfeited subscriptions of adventurers and soldiers are given to the King, the amendment declares that if any lands be set out for such subscriptions, the King shall have a reprise. This is but reasonable and what is provided for all persons by the Declaration.

7. Where the great Act says that the adventurers and soldiers shall pay a year's value of all lands set out to them (*p.* 84) it is sought to amend this so that they may pay only upon these lands

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set out to them upon final adjudication; yet they have all had for six or seven years the mean profits of the lands set out and many still enjoy them.

Lastly it is offered:—By the amendments what shall be evidence sufficient to prove assignments of personal arrears from any individual, as in cases where an officer has bought in the whole arrears of his troop or regiment. And it is to be understood that in such cases, and all others where arrears are satisfied, the debenture was always given unto him that was to receive satisfaction and in some cases it is given to the captain for his whole troop or company. And by the statute laws of those times, which are published by Scobell, it was not lawful to assign any arrears before satisfaction was made unto him in whose name the debenture was drawn. There were duplicates of the debenture, one to remain in the Register's hands, and the other to be given to the drawee to go to the Commissioners in the several counties and to have lands set out by them in satisfaction of the said debenture. Now the duplicate which the party had was entered in the Register's office, to the intent that when it was satisfied it might be returned to remain there as an evidence that the party was duly satisfied and that it might appear by comparing it with the entry not to have been vitiated or altered. Above 30,000 of these debentures were given out, but not above 10,000 have been returned; yet not a man of that time (but the '49 officers, who were wholly excluded by Cromwell) complains of want of satisfaction; and therefore it is more than probable that many of those duplicates of debenture that are not returned into the Register's Office have been vitiated and doubly satisfied; and therefore, being altered and corrupted, they dare not return them to be compared with the original entries. Careful provision must be made against this; for if any other evidences be allowed in these cases than that which is entered of record, what a world of false debentures will put in for satisfaction, and what a multitude of soldiers willl pretend title to lands who ought not to be allowed any unless the debenture on which the lands were set out were entered and returned to the Register's Office. There is sufficient evidence for all arrears that have been stated, and to whom allowed, and where and how appointed to be satisfied; and whatever is beside that rule must be forged. To admit any collateral evidence would open a gap to boundless forgeries.

The Lord-Lieutenant is sending a letter in my favour in a small matter. I beg you to favour me with the King in it, and forgive the trouble "induced by the reading of these large narrations." *Pp.* 9½. (*Hol.*). *Add. Endd. S.P. Ireland* 314, 143.

31 Oct. Draft of the King to Winston Churchill.

Directing him to come to Court to give an account of several matters relating to the King's special service. *P.* ½. *Endd. Ibid.* 144.

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DOCUMENTS RELATING TO LUKE GERNON'S CASE.

General date 2 Nov. The Lord Lieutenant and Council to Secretary Bennet.

The enclosed petition of Luke Gernon was exhibited at the Board. We found the King by letters patents, dated 2 April, 1662 (grounded another of 17 December, 1660), granted Gernon £100 a year in recognition of his good services, to be paid out of the casual profits arising out of the profits of the Provincial Court of Munster. The said allowance was not paid for two years and a half up to Easter last. He is a very old man and in want, yet we cannot relieve him without special order and therefore send his petition, together, with certificates from Sir William Fenton [*for which see Calendar of S.P. Ireland* 1660-1662, *p.* 647, *ll.* 11-15] then Vice-President of Munster and from the Clerk of the Council there [*see Ibid. pp.* 646-7], by which it appears that the casual profits of the Provisional Court of Munster were so small that any pay fixed upon them cannot possibly be made. As he is old and has served well we take leave to ask that the King be moved to allow of the insertion of his name in the establishment of the civil list and that his arrears be paid. *Pp.* 1½. Dated Dublin Castle, 18 June, 1663. *Signed* (*Hol.*) *by the* Lord Lieutenant, the Archbishops of Armagh and Dublin and eleven members of the Council. *Add. Endd. S.P. Ireland* 315, 1.

Also three copies of the same. *Two certified by* Matthew Barry *and one by* Sir Paul Davis. *P.* ⅜, *p.* ⅝ *and p.* ¾. *Endd. Ibid.* 2, 3, *and* 4.

Copy of petition of Luke Gernon to Sir Henry Bennet.

Refers to the fact of the foregoing letter having been despatched, gives its substance, and refers to the certificate of Fenton. The original letter [*which is calendared above*] miscarried: and petitioner got a copy of it which was certified accurate by Sir Paul "Davyes" [*see last entry ad fin.*], and his Grace again recommended the petitioner to Bennet as deserving speedy treatment. Petitioner consequently was in hopeful expectation of His Majesty's letters to be sent over, but has received no intelligence.

As "a poor old decayed Justice," he prays for a presentation of his case to the King who, in the first place directed that his pension be punctually paid. There is now £50 more due to him that should have been paid last Michaelmas, and he asks that these be added to his arrears, and that, as he has waited so long in Dublin, he may have his pâtent free. *P.* ⅝. *Add. Ibid.* 5.

The King to the Lord Lieutenant for Gernon.

Gernon cannot receive the £100 allowed him out of the casual profits of the Provincial Court of Munster owing to the smallness

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of the profits of that Court. He shall be put on the civil list for the payment. *P.* ½. Dated 2 November, Whitehall. *S.P. Dom. Signet Office VI.* 9 *and* 9*d*[1].

Also entry of same. *S.P. Ireland* 312, *p.* 166.

This concludes the documents relating to this case.

2 Nov. NOTE of the King's letter to the Lord Lieutenant for making Sir Robert Biron or Byron [of Ennniscorthy] Master of the Ordnance in Ireland. *Two lines. S.P. Ireland* 312, *p.* 166.

Also draft of same. *P.* 1. *Endd. S.P. Ireland* 315, 6.

2 Nov. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

This gentleman, Mr. Keating, is employed by the trustees of the 1649 officers who served King Charles I under me in Ireland and for whose arrears provision is made. "I am very particularly concerned for them, they having shared with me the brunt of this unhappy war, and shared with me in those common misfortunes that befel His Majesty's affairs here." Their concernments are amongst others lodged in the bill now under His Majesty's consideration and I hope their agent may receive favourable consideration. They are men upon whose loyalty the King can count. I should be obliged if you would support them. *P.* ⅔. *Signed. Add. Endd. S.P. Ireland* 315, 7.

2 Nov. Dublin. The SAME to the KING.

Attempts may be made to induce your Majesty to believe that the report of danger which may arise here if the English are alienated, are not real but vain and factious. If such reports should reach your Majesty, I beg that you will remember that the late design on the government here was real: and that one cannot tell from unsuccessful attempts how deep the feeling may be which lies beneath them. If the trouble comes, it will be of no use to be able to tell "those bold auditors to whom war and peace may be indifferent," they were mistaken.

This letter is only to warn your Majesty against being led astray by those who do not properly consider an affair of this kind. *Pp.* 1½. (*Hol.*) *Endd. Ibid.* 8.

Same. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

This gentleman, Mr. Keating, was my counsel in my prosecution against Mr. Hore, and is "so understanding in that whole affair," that I have asked him to attend you upon it. I hope that if he can propose what is for my advantage you will help him to obtain it. *P.* 1. (*Hol.*) *Endd. Ibid* 9.

(1) This system of pagination is adopted in this volume of the Signet Office Books, under directions from the Secretary of the Public Record Office.

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3 Nov. Whitehall. The KING to the LORD LIEUTENANT for JOHN JEFFRIES.

By letters patents of 15 May, 1624, Charles I. granted to Edward Bassett certain lands whereof Dennis Dale, of Fort Chichester, co. Wexford, died seized, and which had escheated into the King's hands by Dale's death, as appears by the Records of the Rolls of patents of the Chancery of Ireland.[1] Bassett never could enjoy the benefit of this grant because of the opposition he received at the hands of William Doyle, who, in Bassett's absence and that of his heirs, and whilst a suit between himself and Bassett was pending in the Irish Chancery, sued out a patent upon a Commission of Defective Titles. Bassett was not in Ireland and could not defend his title. John Jeffries, who has married Bassett's daughter, is loyal, and Doyle has been adjudged nocent by the Commissioners of Settlement. You shall grant these lands to Jeffries for 500 years, he paying 12*d.* or less, as you think fit, for every 20*s.* of the improved rent according to the size of his holding. *Pp.* 1⅓. *S.P. Dom. Signet Office* 5 *and* 5*d.*

3 Nov. SIGNED BILL for a PARDON from the KING to MARY WARREN, of co. Clare, for all offences committed in England or Ireland before 10 June, 1660.

P. 1. *Large parchment. Underwritten with*—
(1) Memorandum of subject matter of the bill signed by Sir Geoffrey Palmer.
(2) Receipt of the bill signed by Sir Geoffrey, dated 3 November, 1663, *and endd. with*—
(1) Order under the Sign Manual "Our will and pleasure is that this pass by immediate warrant."
(2) Note of entry at the Signet Office, 15 August, 1663, signed by William Trumbull.
(3) Note of entry at Privy Seal Office on same day, signed Henry Moore, Deputy of the Earl of Sandwich. *S.P. Ireland* 315, 10.

3 Nov. Mews [?] [Charing Cross.] SIR THOMAS CLARGES to SECRETARY BENNET.

Relating to the warrant to be signed by the King concerning Mr. Mabbott and Sir William Clerk. Hopes it may be perfected at Secretary Bennet's next audience [of the King]. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 11.

7 Nov. Copy of SIR WILLIAM MORICE to the SAME.

If I seem to have shewn you disrespect you must remember that I have not heard from you, even in answer to my letters, for a

[1] May 17, 1631, *see Cal. S.P. Ireland* 1625-1632, *p.* 610.

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year. I did not resent whatever the Lord Lieutenant might have done in my affair, but resented not hearing from you in a matter which I had entrusted to your care. My Lord Bath and I had returns from you which led us to expect more fruit in our common affair, "but when we grasped it the fruit turned to ashes, and I am put to some speculation why our business cannot bear that which others of the like nature have carried." I never knew, or else have forgotten, any order made in Council to the effect that Mr. Secretary Nicholas should transact all Irish affairs. I "remind" that the Lord Lieutenant lodged his with him, and bade some persons take their papers out of my hands and consign them to him; but whatever may be the arrangement as to public affairs, there seems no reason why private business should not be indifferently managed. Ireland is not a province given over to one Secretary or the other; but even when a province is so given over, the appropriation applies only to public, and not to private affairs. If I seem to have disserved you it is my misfortune, but not my fault. *Pp.* $\frac{1}{10}$. *Endd. S.P. Ireland* 315, 12.

7 Nov. Whitehall. The KING to the LORD LIEUTENANT for the ARCHBISHOP OF ARMAGH.

The post of almosner in Ireland, created by King James I, is vacant. You shall grant the Archbishop of Armagh this office by patents in as full a manner as it was held by any other almosner. He is to allow himself £E100 a year out of the profits of the office. *P.* 1. *S.P. Dom., Signet Office VI. pp. 5d and* 6.

Also note of same, *two lines. S.P. Ireland* 312, *p.* 167.

Same. SAME for SAME.

"We having taken into . . . consideration the present state of the Church of . . . . Ireland, . . . require you, as well for the settlement of the ecclesiastical revenues of that Church and kingdom, which, by the Act for union and division of parishes as by our own bounty in confirming our own impropriations as well as all other forfeited and escheated impropriations upon the Church, will be very much changed from what it was formerly" in accordance with the precedent set by the Earl of Stafford in 1634, do require the Primate and Metropolitan of Ireland to hold a regal visitation with as much speed as he can. He shall summon the other Archbishops, Bishops, and clergy, whether beneficed or not, and inform himself by their advice what unions and division of parishes are fit to be made. And because the tax of ecclesiastical livings and dignities was never perfect in Ireland, many benefices being left out and others taxed at ludicrous and inconsiderable sums, whereby our ecclesiastical revenue was much lessened, and now falls short of what it ought to be, the Archbishop, with the assistance of all persons whom he shall choose, shall take care that a strict enquiry be made into the annual value of every ecclesiastical

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benefice and promotion, and make a new tax thereof which, after confirmation by you and the Council, shall be the permanent tax of that benefice. He shall inform himself of the best place to erect churches in such places that people may meet together twice a day to serve God, and shall take care that no ecclesiastical benefice or promotion be omitted from taxation. He shall inquire as to the residence and conformity of the clergy and whether any persons officiate without due licence from a Bishop, and shall include in the ecclesiastical tax all such impropriate rectories and tithes as the Commissioners for executing our Declaration in execution shall adjudge escheated or forfeited, making the rates of these at their net value after deduction of the Exchequer rents. Within ten weeks of his return he shall leave with the Auditor-General or Clerk of the Council a book of the old tax and new tax to be considered by you, and you shall either approve or disapprove it. He shall take care to prevent pluralities, except in such cases as he thinks it right to permit them. He shall take care that the fines of dispensations be so indifferently taxed that neither the officers amongst whom they are to be divided nor the clergy or any other person may have cause to complain. You shall authorise him to do all such things as may be necessary for this our service, or as have been done upon former Regal visitations. *Pp.* 1½. *S.P. Dom. Signet Office VI.* 6 *and* 6*d.*

Also note of same. *S.P. Ireland* 312, *p.* 167.

7 Nov. Whitehall. The KING to the LORD LIEUTENANT for MOROGH O'BRIEN, EARL OF INCHIQUIN.

On 21 April, 1662, we directed that the Earl of Inchiquin should be paid £5,000 out of the sums payable, under the Declaration and under an act intended to be passed pursuant to it, by adventurers and soldiers on November 1 next following out of their estates, towards relief of those who had most eminently suffered in our service. Lord Inchiquin informs us that only £1,250 could be paid him out of the sums received on 1 November last in proportion with other directions. The balance of £3,750 shall be paid to him out of the first moneys that come in from the adventurers and soldiers. *Pp.* 1½. *S.P. Dom. Signet Office VI. p.* 7 *and* 7*d.*

Also note of same. *Four lines. S.P. Ireland* 312, *p.* 167.

Also draft of same. *P.* 1. *Endd. S.P. Ireland,* 315, 13.

Same. SAME to SAME for GILBERT MABBOT.

By letters patents dated 16 January, 1661, we granted to Sir William Clearke and Mabbot, and the survivor of them, with remainder to Mabbot's son, Kempton, the right to grant licences for sale of wine and strong waters in Ireland by retail. We allowed them £600 a year out of the profits of the licences as a reward for their care in managing their office as licensors. We hear that you, discovering this grant to be injurious to our revenue, appointed certain members of the Irish Privy Council to treat with Mabbot for its surrender, and that Mabbot is willing to surrender his

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patent for £4,800 (details), this sum to be paid out of the profits of the licences, or failing them, out of the growing profits of the same. You shall make a legal agreement with him on this sense and pay him the £4,800 out of the arrears of the licences for three years to 1 May next, defalking what he has already received or shall receive out of the arrears or for fines received by him for granting such licences. Any shortage of this sum shall be made good out of the growing profits of the licences. *Pp.* 1⅔. *S.P. Dom. Signet Office VI. p.* 8*d and* 9.

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 167.

9 Nov. Whitehall. The KING to the LORD LIEUTENANT for the ATTORNEY-GENERAL for IRELAND.

By letters under the Great Seal of 24 October, 1662, we directed you to grant to Sir William "Domevile," our Attorney-General in Ireland, the lands of Patrick Bath, late of Rathfeigh, co. Meath, and of Christopher Cruise of the Naall [Naul], co. Dublin. We now hear that Cruise's special heir male has been restored to his estate by the Court of Claims, and that Bath's estate has been made liable to the payment of several charges to his daughters so that Sir William will derive no benefit from our grant for divers years to come. Considering this "and the faithful services performed unto us by our said Attorney-General in the prosecuting of those who lately conspired to surprise our Castle of Dublin and raise rebellion against us" we direct you to take surrender of any grants made to him of the lands of Bath and Cruise and to grant to him and his heirs by letter patents under the Great Seal the lands of James Janslate, of Dublin, deceased, attainted of high treason, and the lands of Marcus Fitzsymons, of Ballmandraught [Ballymadrough], co. Dublin; and also the lands of Ballmadun [Ballymadun], lately the property of Robert Preston—Preston and Fitzsimons having both been attainted of high treason. He shall also be regranted the lands of Bath, of Rathfeigh, as aforesaid, at such rents as you think fit. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 7*d and* 8.

Also note of same, dated 7 November. *Six lines. S.P. Ireland* 312, *p.* 167. Entry of same. *Pp.* 3. *Ibid. pp.* 168-70, and two drafts of same. *P.* 1 *and P.* 2; *Endd. partly in* Sir William Domvile's hand. *S.P. Ireland*, 315, 14 and 15.

10 Nov. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

A Council was called yesterday by the King for the affairs of Ireland, and I caused some of the bills which have long lain in Mr. Solicitor's hands to be read and committed for some exceptions that were made against them.

I should have said that the King says that he observes, in several of the late bills, clauses derogatory to the Crown. Lord Antrim's business is to be heard on Friday and Monday, following the great bill with the amendments. The Commissioners are ordered to attend without on that day in order to answer any questions which the King or Board may move to them.

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Sir Nicholas Plunket is here. I suppose he is the person you mentioned as coming to make representations on behalf of the Roman Catholic nobility and gentry.

P.S.—The King allowed the credence you gave to Sir Thomas Clarges, who will be sent for when the great bill is handled. *Pp.* 1½. *Entry. S.P. Ireland* 312, *pp.* 171-2.

11 Nov. Whitehall. The KING to the LORD LIEUTENANT for the EARL OF CARLINGFORD and VISCOUNT DILLON of Costello.

The Earl of Carlingford and Viscount Dillon of Costello have lately been restored to their estates pursuant to our orders and to a proviso in their favour contained in the Act of Settlement; but their estates are subject to very high quit-rents payable into the Exchequer. They shall not be charged any such rent in excess of what was paid out of these estates in 1641. New patents under the Great Seal shall be made to them under these conditions; and the patents shall be drawn so as to acquit them of all other rents and charges. Favourable clauses. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 12, 12*d and* 13.

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 173.

Same. SAME to SAME for JOHN BRIAN.

We are informed that Thomas Loftus, of Killian, co. Meath, in the kingdom of Ireland, exhibited a claim in the late pretended Court of Claims in the usurper's time, and prosecuted it afterwards in the Court of Exchequer in Ireland, to the manors, towns, &c., of "Bawnemore[Bawnmore], Muttoge[Mintoge], Culgade[Coolgad], Garrymade [Garrymogue], Rathussine [Rathoisin], the two-third parts of Breknaghe [Brecanagh], Whiteswall, Rathreoghe [Rathreagh], Rathbane, Philipstown and the moiety of Bawn Rickin" [Baunrickeen], co. Kilkenny.[1] By this claim he entitled himself to the premises as heir to Sir Thomas Loftus, late of Timorush [Timahoe] in the Queen's Co. in our said kingdom, and Sir Dudley Loftus, Kt., and their heirs, by virtue of a settlement made thereof in 1634, upon Sir Thomas Loftus, Sir Dudley Loftus and their heirs by John Brian, late of Bawnemore aforesaid, in consideration of marriage had between John Brian and Jane, daughter of Sir Thomas Loftus, and of a marriage portion paid to John Brian upon the said intermarriage. In this settlement several trusts were limited and declared of the said manors, &c., of Bawnemore, Muttoge, Culgadd, Garrymage, Rathussin, and the two-third parts of Brekanaghe to and for the said Jane during her life, and after her death to and for James Brian, eldest son of John and Jane and the heirs males of his body; and, for the rest of the premises, to and for the said John Bryan [*sic*] during his natural life, and after his death to and for the said James Brian

(1) Mr. Grattan Flood has kindly helped me with these identifications.

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and his heirs males, with other remainders over to the other children of the said John Brian and Jane his wife—as by the said settlement appears. On this claim the said Thomas Loftus has proved the innocency of himself, his father and grandfather, and the innocency and minority of the said James Brian during the late rebellion and that the said James was a Protestant and the said Jane dead, and obtained the judgment of the said Court of Exchequer to enjoy all the lands, &c. above mentioned, subject to the above mentioned trusts, except the trust limited to and for the said John Brian during his lifetime which, owing to the delinquency of the said Brian, was adjudged to be forfeited for his life only. By our order and Royal mandate under our Privy Signet and sign manual dated at Whitehall, 4 October, 1660, we ordered that John Brian should be restored to the said towns, lands, &c. of Whiteswell, Rathreoge, Rathbane, Philipstown, and the moiety of Bawnericken [*sic*]; and we are informed that he is in possession of them and that James Brian is in possession of the other premises aforesaid, and that no adventurer, soldier or reprisable person is interested in them. You shall grant these lands to James Brian and his heirs or appointees under favourable terms, subject to the settlement made by the said John Brian and mentioned in the decree of the Court of Exchequer, at the rent payable in October, 1641, *plus* any rent since added. Favourable clauses for execution. *Pp.* 1¾. *S.P. Dom. Signet Office VI. p.* 18 *and* 18*d.*

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 173.

11 Nov. Dublin. WINSTON CHURCHILL to SECRETARY BENNET.

I ask that the King will give me leave to come to England. The Lord Lieutenant has no objection, but is not authorised to give such leave. As Parliament here does not sit till the middle of January, I presume of a vacation to the end of that month. I had preferred to let my wife go over to look after my private affairs, but find I must go myself. *P.* 1. *Signed. Endd. S.P. Ireland* 315, 16.

Same. The LORD LIEUTENANT to [the SAME].

I am glad to hear that our Irish bills are being considered. After the Act of Settlement they may appear to be of small concern, but I am convinced that they will, if passed, be a conveniency to the kingdom and some of them of advantage to the King. I beg that all bills lying with you from Ireland may be examined as soon as they seem to require.

The King scruples to sign the letter for Sir Thomas Wharton and I find I did not make clear the facts which distinguish his case from others. He is the only man, so far as I know, of the "then army" besides myself who paid his men for a whole year out of his own purse. This is made clear by the warrants for pay which he has still in his hands, and it happens that he did this in a time in respect

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of which the Act does not provide for his satisfaction. I therefore thought the King would do well to let him have a good bargain in land of this kingdom "which stands in need of being planted with men of his temper, industry and loyalty." But, on hearing the King's pleasure, I have done with the proposition.

The King will now receive a list of all the money I have had for places as Lord Steward and of the sums which I might have had if I had insisted on the rights which His Majesty gave to me. After looking over the expenses of my place I find I have saved much for the King and lost little myself.

I daresay the Commissioners by going over will be of service to the King and themselves. Mr. Moore shall be forthwith imprisoned, but without any probability that Granger will produce himself to release him. "I confess Moore's zeal for his countrymen hath exposed him to blame if his undertaking was so positive for so slippery a fellow, and I have no great faith that he is able to do what he undertakes." I think all might be cleared if Lord Gerard could be prevailed with for the public good to depart with unprofitable resentments, as I understand them.

From a long letter from me and the Council you will see that Mr. Harvey, for himself and his partners, has advanced his offer for the Excise and Customs to what we conceive to be considerable enough to close with them without any further expectation of greater offers. The suspense between farming them and keeping them in commission is a daily disprofit to the King, so I hope we may soon have instructions to conclude with him.

I wonder Sir William Boreman and Mr. Fox should deny to know anything of the moneys given for places below stairs. The former may perhaps have forgotten the exact sum he received for them, because he delivered his notes, which are extant with me. Yet he made the contracts for almost all the places till the time of my coming away.

The latter should be able to give the King the best account of what has been received in that kind since I left court, for I made him an assignation of those profits till he should be recompensed for a pretension he made upon the account of a promise made to him by His Majesty at Brussells of some interest in Creslow, which was disposed of afterwards by His Majesty's approbation and direction to Alderman Backwell [Bakewell].

"There have in several parts disorders happened about giving of possessions upon some decrees made by the Commissioners since the 2nd of July last; particularly by an attempt made by some servants and friends of my Lord of Antrim to get possession of a fair in the town of Dunluce in his lordship's right, and, it is alleged without the presence or warrant of the sheriff or of any other, officer." We have summoned the parties to appear, but the event shows how necessary it is that it be solemnly and speedily determined whether the decrees since the second of July be warranted by the Act.

I received two letters from the King in favour of Sir Henry O'Neill. One of them imported licence for the transportation of

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a certain portion of wool to foreign parts; but was superseded by order in Council before it came to my hands. The other was for payment of adventurers of a pension granted him by the King which cannot be possibly paid to him here. He was therefore unable to profit by either letter, to my great trouble, for I wish him very well. This much I could not deny his lady to signify to you, for report to the King if you think fit.

As promised, you will receive an answer from me and the Council to the King's letter of 10 October, concerning the difference between Mr. O'Neill and Mr. Samuel Bathurst. I hope that, whatever opinion the King may get in this matter from his legal advisers in England, he will not dispossess any of his subjects of what they legally pretend to, especially as the subject is not of great moment and when the party [claiming against the person in possession] may have his remedy at law. Royal interference in such matters is liable to misconstruction.

Sir Edward Sutton's lady, formerly widow to Sir Thomas Lucas, and Lord Byron's sister, had several grants from the King which proved ineffectual to her. Her sufferings and those of her family merit the King's special consideration. *Pp.* 2¾. *Signed. Endd. S.P. Ireland* 315, 17.

11 Nov. Dublin. The Lord Lieutenant and Council to Secretary Bennet.

I, the Lieutenant, lately received by the hands of Mr. William Dodson His Majesty's order in Council, dated 14 August, 1663, and attested by Sir Richard Browne, Kt., one of the Clerks of the Council there. By this it appears that Mr. Harvey's partners refusing to give for the "water duty" of this kingdom above £50,000 a year, and Mr. Morrice and his partners offering £53,000, and to take the farm for six years, it was considered a considerable advance above the other and therefore approved of, unless the other party should make some even better offer. We were ordered to conclude the matter, and to let the farm for above six years.

After this order came to my hands, Peter Harvey on 14 October presented to me a petition giving various reasons why the Customs and imported Excise should not be farmed to Mr. Morrice and his partners for £53,000 and proposed, upon Morrice's conditions, to pay £56,000 for them.

I thought it my duty to hear both these applicants, and both attended by my order and were heard at the Board on October 19th. Mr. Dodson then presented the enclosed petition, wherein he waved his former strict articles (which indeed were highly disadvantageous to the King) and offered to accept any other which we should approve, without any defalcations, except in the case of pestilence, war, or lessening of the duty. On the same day the Board ordered that the Commissioners appointed for managing the Customs and imported Excise should certify whether or no the profits arising by those duties to His Majesty may be as certainly answered from time to time to the King whilst under collection by His Majesty's

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officers as they would be if they were farmed; and also to mention to us any reform which they had been led by their experience to believe would, if executed, lead to an advance of those branches of the revenue. On 22 October, the Commissioners, including Mr. Dodson, certified several reasons against the plan of farming, and expedients for advancing the revenue if it were thought fit to keep it in the hands of the King's officers.

We enclose this certificate.

On 24 October, I, the Lieutenant, received the King's directions of 13 October for closing the contract with Thomas Morrice and William Dodson for farming the Customs and Water duty at £53,000 a year pursuant to the agreement made with them for the same.

On 28 October, Peter Harvey delivered to me certain proposals on behalf of himself and his partners, offering £55,000 a year and insisting on it as pursuant to the King's order in Council. We enclose these.

Amid this diversity of offers, and whilst the Commissioners were opposed to farming, we hesitated before confirming a contract to farm; more particularly because we thought that if the Commissioners were invested with power equal to those which farmers must necessarily have, the King might gain all that the farmers would do if a farm were decided on. We hoped that the King would approve our action, seeing that it was taken for his benefit. "But when we had made strict scrutiny into the inwards of the matter we found great uncertainty therein—for instance in one particular. By the Act whereby that duty is granted there is a liberty given in many cases to the importer of commodities not to pay the duty until sale of the goods, which leaves that revenue in great uncertainty as to be yearly depended upon in the full product for these reasons:—

"It appears that in one year, namely in the year ending the 24th of June, 1661, the full product of the duty of Customs and imported Excise came in at £55,092 [odd], including the yearly salaries of the Commissioners and other officers, . . . amounting to about £6,619 per annum, of which £55,092 [odd] there was paid into the receipt of His Majesty's Exchequer but £31,519 [odd]" which is £23,570 odd short.

In the year ending the 24th June, 1662, the said duty came to £50,344 odd, including the said yearly salaries. Of this, but £34,156 odd were paid in.

In the year ending 24 June, 1663, the duty came to £57,024 odd, including the salaries; but only £28,250 odd were paid in. We can find no cause for these failings except that the Excise is due only on sale which does not take place in the year in which the commodities are imported. Neither was the same brought in in any considerable quantities, notwithstanding the efforts of the Commissioners. Those who should pay it plead "leakage in liquid commodities and the spoiling and perishing of other commodities and the pretences of employing salt in salting of herrings, which upon oath of the merchant makes them free of custom." These deductions are responsible for the failings; but we are now endeavouring to get in the arrears of former years.

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"We then—considering those very great failings—in every of the three last years, and that (as the Act now stands) those failings will probably continue so henceforward whilst the duty is under collection by the care of His Majesty's Commissioners, and considering also that the expedients offered unto us for helping it in future are not, as we humbly conceive, warranted by the Act, and that if a new Act were transmitted thither to alter those branches of the present Act which give the importers of commodities a liberty of deferring their payments until after sale of the goods, there is cause to doubt that such an Act would receive opposition in the passing of it here into a law; and considering likewise that if we should adventure upon giving such power to the Commissioners, though not warranted by the Act, as in the expedients they offer is mentioned, yet we can have no assurance that even then we shall not find such failings in the certain bringing in of the moneys arising on that revenue as may not well consist with the necessities of His Majesty's affairs in the payment of his army and otherwise, but that His Majesty may still be in uncertainty as to that revenue, and enforced to wait for his payment until after sale of the commodities as aforesaid," considered that it would be best to farm the Customs, and not to leave them under the management of Commissioners as aforesaid.

We had then to consider two things, the offer of Mr. Morrice and his partners mentioned in Mr. Dodson's said petition read at this Board on October 19th, being £53,000 a year on such articles as shall be approved by us, without defalcations or exceptions except in the case of pestilence, war or lowering of the duty; and the offer made by Mr. Harvey in behalf of himself and partners in his proposals of 28 October, being £55,000. Harvey declared that he would approve of such articles and covenants as we should think fit. We found Harvey's the better proposals, and we considered that there is a clause in the King's order in Council [ordering us to close with Mr. Morrice] "unless the other partners shall advance as considerably above this," and whether or not Harvey's offer was as much above Morrice's as Morrice's was above that [earlier one] of Harvey. We considered also that though the [first] offer of Harvey and partners is mentioned in the King's order as but £50,000, yet I, the Lieutenant, remember that about five months since Mr. Harvey offered £51,000 to me for himself and his partners for those duties; so that Morrice and his partners offered £2,000 more than them, and now again Harvey and his partners increase the offer by £2,000. We therefore, on 14 August, 1663, ordered that the King's Customs and imported Excise in this kingdom be let to Peter Harvey, merchant, and partners for the term of six years at a rent of £E55,000 a year, to be paid into the Exchequer by such persons and at such times and under such security, conditions, covenants and agreements as we shall think fit, and the term to commence at such time as we shall direct.

We hope this action will be approved, and that the King will enable us to complete the contract.

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Postscript.—The particulars of the above-named £6,619 are as followeth, vizt. :—

Salaries due to the Officers of Excise - - -		£4,269
Contingent charges of the Excise - -	*circa*	£1,200
Commissioner-General of Customs and Excise	about	£1,150
		£6,619

Pp. 4¾. *Signed (autograph) by* the Lord Lieutenant, the Archbishop of Armagh, the Lord Chancellor, Lords Arran, Massareene, Caulfield, and Dungannon, the Bishops of Meath and Cork, and Sir George Wentworth, Sir Henry Tichborne, Sir John Temple, Sir Robert Forte, and Sir Theophilus Jones. *Add. Endd. S.P. Ireland* 315, 18. *Enclosing—*

The state of Mr. Harvey's case and of Mr. Morrice and Mr. Dodson's case as they were transacted before the King's Council in England and before the Lord Lieutenant and Council here in Ireland.

Mr. Harvey engaged in several treaties [negociations] with his Grace about the farm of the Customs and imported Excise for £47,000 *a year. Thereupon the Lord Lieutenant and Council required the Commissioners of the Customs and imported Excise here, of whom Mr. Dodson was one, to certify what was the most they could make of the said Customs, and signified that A. B. had offered* £47,000 *for them. Mr. Dodson and the rest of the Commissioners certified on oath that if A. B. had offered that sum it was more than the Customs would yield. Thereupon the Lord Lieutenant, Mr. Harvey's security being approved, agreed with him for* £51,000 *and sent an express to the King for his approval. Mr. Dodson took advantage of this express and sent an application to the King and Council, in which he offered* £53,000 *for the Customs, though he had declared on oath that* £47,000 *was more than they brought in. He thereupon got a letter from the King and Council in England directing that he should be preferred to the farm unless Mr. Harvey should make some considerable advance. Mr. Dodson then exhibited to the Lord Lieutenant and Council a statement of the articles upon which he could make the offer of* £53,000. *These were referred by the Lord Lieutenant to a committee of the Council; and Mr. Harvey, having the sight of them, offered* £60,000 *to the Lord Lieutenant and Council for the Customs upon those terms. He represented, however, that these articles were unreasonable, and that, if enforced, they would greatly depreciate this part of the King's revenue; for—*

(1) *He demanded the duties on all goods uncleared at the time of his articles. These would amount to above* £10,000. *This sum is due to the King, the duty on those goods having fallen due long before his articles.*

(2) *By the articles he and his partners are to be Commissioners of imported Excise and Customs, and, having thereby power to impose fines and make seizures. They demand allowance out of the* £53,000

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per annum for each seizure that the Lord Lieutenant and Council or the Commissioners of Appeal shall abate or remit, although the said fines or seizures "had been never so injuriously or contrary to law made or imposed." It is well known that such fines and seizures have come to above £20,000 a year.

(3) *Mr. Dodson demands payment for every embargo though for never so short a time.*

(4) *They demand abatement for all duties lessened and offer no amendment if they be raised.*

(5) *They demand abatement out of the £53,000 for prohibiting exportation of cattle to England, and of any goods of the growth of Europe to Africa, America or Asia, which will be an abatement of the fourth part of the said £53,000 per annum, "the duties of those goods being worth at least one-fourth of the Customs of Ireland.*

(6) *They crave allowance of all debts they make, so that to advance a little ready money they may make many desperate debts which the King shall, by their articles, be obliged to accept towards payment of their £53,000 per annum.*

The fallacy which was in Mr. Dodson's articles was hereby discovered to his Grace and Council. Mr. Dodson then offered to give £53,000 upon Mr. Harvey's articles, but no security could be produced; and Mr. Harvey having made his Grace and Council sensible of the past injury Mr. Dodson and partners had done the King by their crafty offers, and his Grace propounding that the matter might be at once concluded, "Mr. Dodson's friends here in the Council moved wholly to put off the farming and to continue it in the Commissioners' hands," and to that end procured a second order to the Commissioners of Customs and imported Excise to certify what they apprehended to be most for the King's advantage, whether to continue it in Commissioners hands or to let it to farm. "Whereupon Mr. Dodson and the other Commissioners certified that it was better to continue it in Commissioners' hands than to farm it." Hereupon Mr. Harvey made it appear that for the year ending 24 June, 1661, there was made of the whole Customs and imported Excise but £54,917 odd, of which was paid:—

For salaries	£10,990 0 0
For abatement	£5,000 0 0
For desperate debts unpaid	£5,020 18 10

and only £33,906 [odd] in money were received. He proved that in the year ending June 24, 1662, the figures were as follows:—

Gross receipts	£50,112 18 0½
Less—	
Salaries	£10,990 0 0
Abatement	£4,000 0 0
Desperate debts	£3,424 0 0
Net receipts	£31,698 18 0

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He proved also that the figures for the year ending June 24, 1663, *were as follows :—*

Gross receipts - - - -	£57,500	0	0
Less—			
Salaries - - - - -	£10,000	0	0
Abatement for leakage - -	£4,000	0	0
Desperate debts - - -	£6,860	4	8
Net receipts - - - - -	£26,640	4	4

The Lord Lieutenant and Council thus understood what a loss the King had sustained by letting these Commissioners manage the Customs. They therefore resolved to farm them out. Mr. Dodson then brought a second letter to him from the King for the farming of it out at £53,000. *The Council, however, thought it well not to deal with him, as he has all along dealt indirectly with them on the matter; and they decided and voted, in duty to the King, that none should have it at* £53,000. *Mr. Harvey now offered* £55,000, *and they let it to him at that sum for six years. Pp.* 2. *Endd. S.P. Ireland* 315, 18, 1.

14 Nov. Dublin. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

My d[ear] Secretary,

To-day I found your letter, "which had like both to have come too late and too soon ever to have bid me welcome. Last night we put out from Holyhead with a fair wind and weather, about five of the clock; but before twelve in the night so violent a storm overtook us as yet I never was at sea in. Seamen and all gave us for gone till near seven in the morning. About that time the wind a little abated" and we got sight of land and were on shore by nine. We are all well except poor Sir John Steevens, who will certainly lose one eye and probably both. He still sees a little out of one eye, but apprehends losing it himself. He is, however, grateful for Mr. Secretary's kindness in moving the King on his behalf. Of the 500 soldiers brought for Ireland by Major Beversham 200 landed yesterday, and 200 more await shipping at Holyhead. Thanks for your letter. Coming direct from London, I had not a word to say, but "producing my paper stopped all their mouths." I thank Mr. Secretary and Mr. Povey. *Pp.* 1½. *Add. Endd. Ibid.* 19.

15 Nov. Dublin. COLONEL TALBOT to SECRETARY BENNET.

I am obliged for your last letter, for I had drooped since I had heard that I was in the King's ill opinion, "though your friendship and my own innocency might justly put all fear out of my head." But I am ill at ease and hope you will protect my interests. I expected as much from Sir Charles Berkeley as from most men living, but now I do not know how I have offended him, for he is not so warm in this business as I expected he would be.

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The Lord Lieutenant told me he had written distinctly to you his opinion on your proviso. He does not think that the Explanatory Bill will pass the House of Commons here, and so your proviso will go to; but when the Council hear that you had a proviso they will transmit to the King a bill in your favour, "and when it is returned we have interest enough in the House of Commons to get it passed there." He said that were entrenching too much on the Declaration for Settlement of this kingdom, but I said there were precedents for it; Lord Mayo having a bill for his estate. I find he scruples at Lord Clanmallyroe being outed of his estate, but I brought Mr. Patrick Bryan to his Grace to make it clear to him that the poor lord is infallibly lost. "If you have it not a company of roges will have it, and if you had it he might be sure you would let him have a competent subsistance out of it for his own and his son's life." If the Explanatory Bill do not pass and you write to his Grace for a special bill to be transmitted in your behalf I am sure that I and your other friends will be able to influence him to transmit it. 'Tis a considerable estate and integer in itself.'" I hear nothing as to the Duke's having the halberdiers' estates. If you can get the bill you shall have the estate and we will get Lord Angier, whose property lies in the middle of it, an equivalent elsewhere, which will do his business. If this attempt fails, the King cannot deny you an equivalent, but this is hardly to be found in Ireland. "However prepare the King for it, and though you have Lord Clan[malier's] estate you may have a considerable estate out of what Sir Allen [Broderick] proposes besides, for the King will give it to others and why not sooner to you." *Pp.* 4. (*Hol.*). *S.P. Ireland* 315, 20.

16 Nov. Dublin. The Lord Lieutenant to Secretary Bennet.

I have yours of the 3rd and 7th and with them a box of bills, including Bills of Explanation concerning the Customs, for the Court of Castle Chamber, and for confirmation of Marriages. These must lie by till we receive back the great Act of Settlement. I think Parliament cannot meet until that is sent. As I hear that alterations may be made in that Act, I feel it my duty to remind the King "that if it shall be changed for the worse in respect to the adventurers and soldiers, and that anything considerably, undoubtedly it will not pass in this Parliament." I do not say this to urge His Majesty to anything unjust, but so that he may be ready, in case the Bill should not pass, to let me know how to proceed otherwise in so necessary a settlement.

I shall make the best use I can of the liberty His Majesty hath given me concerning Boyd and such others as are still in hold upon the same account, assuming that the King's pleasure extends to them all, but I send you the evidence against each of them that you may see what their several cases are. I must say, however, that one Staples, against whom the evidence is most clear and dangerous, has the reputation of having heretofore been a most moderate man, and obliging to the King's party, as I am told will be testified for

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him by many of them; and "as we are now like to make an example of His Majesty's justice of Lackey, the minister, who was enough recovered from his frenzy to attempt an escape, I offer it as my humble advice, and, if you please, my suit, that Staples may be an instance of his mercy," and that I may have leave to pardon him. He is guilty of no more than misprision, and has no estate here which will answer for his crime, and Sir Courtney Poole, Colonel Legg, and, as I hear, others of the West country will tell you that he was loyal to the King's interest. I should like orders in this matter at once.

Considering how well the King is furnished with "men of the robe" there well-known in this affair, and considering how much we have here to do with the help of the Attorney, he can I think be of little use there. We want him here to draft the articles for the farm of the Customs and to manage the evidence against prisoners, "the first being totally under his care and the other betwixt him and the Solicitor." He would also take longer on the journey at this time of the year than, as I hope, the consideration of the fundamentals of the Act will take up.

I am glad to hear that the King's affairs go so well in Scotland and that Lord Lauderdale has done so well.

I find that when Mr. Moore justified himself he said he had the key of Granger's cypher and I remember that four of five months ago papers came over, sealed, I think, by you and Sir George Carteret, which, I conceive, contained the papers of the discovery which Granger claimed to be able to make. But you also wrote to me that an undertaking had been given to Granger that these papers should not be opened except in his presence. The question is whether, if Moore have the key and Granger having [*sic*] absented himself, we may see what we can make of the papers by the key before the Act is transmitted and passed. I desire an answer on this point. *Pp.* 3, *in* Lane's *hand. Signed. Add.* "For yourself." *Endd. S.P. Ireland* 315, 21.

17 Nov. Newtown. The Earl of Orrery to [Secretary Bennet].

I have been ill of "burning fever" for four weeks and it was likely that your "faithful but insignificant servant" would die before writing to you again. This is the first day I have been able to write.

Nothing helped more to cure me of my sickness than your gracious letter of the 27th of October and the expression it contained of the King's satisfaction with my continued expressions of zeal and affection to his service. "God is my witness when I thought I should die nothing in this world troubled me so much as that, having received such Royal evincements of his favour and trust, I should end my life ere I had by some signal services wiped away my past offences and made it appear, if my payments were not answerable to my debts, it was perfectly my misfortune and not my fault. But now that God has been pleased to restore me to

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health I wish I may not one moment longer enjoy it than to act those duties which makes it chiefly, if not only, welcome unto me. If to these rude but hearty expressions of mine you will add some obliging ones of your own and lay them from me at his sacred Majesty's feet, you will exceedingly increase your favour to me, though nothing can the lively sense I have of them."

I have written the letter you asked for and left a blank for the sum. The best way for you to fill it is to acquaint the King with the Lord Lieutenant's intentions of recommending you to him for a proportion of that money, and to know from him what he intends should be the sum. I mention this because I believe no man living knows your eminent services better than the King himself, or so liberally rewards them. But if you approve not this way, be pleased, "at least two posts before you send the letter to the Lord Lieutenant to let me know what is the sum you stand in need of" and I shall get his Grace to insert it in the blank. But I beseech you to let me have timely notice that I may send to my Lord Lieutenant my letter before he be ready to send away from Dublin the letter you send him to be recommended by him to the King. "The post from Dublin sets out every Tuesday and comes hither every Friday and is back at Dublin the Monday following. The post also from Dublin comes thence every Saturday, is here every Tuesday, and is back at Dublin the Friday following." I mention this that you may give me time to fill up the blank as you advise me before the Lord Lieutenant fill it up himself.

"I have prepared for you three Irish greyhounds. Two of them are white and shagged, which is a great rarity. Last week I was sending them to you, but am by a disaster forced to defer my intention, for a mastiff running through the streets which flew at men as well as dogs, the brace of shagged dogs fell on him and killed him. Some think the mastiff was mad, and, two of the three greyhounds being bit, I am forced to physic them to prevent the worst." When it is over I will send the three with a man to London. I am glad to be able to serve you in this matter.

The Lord Lieutenant writes that Lackey "one of the most notorious roges in the late detestable plot" has broke prison in Dublin. I have sent expresses to all the ports and garrisons of this province to apprehend him if he should arrive here—where we are very quiet. All men await the new bill and the amendments sent after it. I shall obey them whatever they are. I am glad the alarms in England are ended. Those who abuse the King's mercy should feel his justice.

P.S.—Please give the enclosed to Dick Talbot whom I try to serve. I hope he has not himself overthrown what I have built for him. He will tell you what this means. *Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 315, 22.

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17 Nov. Whitehall. Entry of the KING to the LORD LIEUTENANT concerning the GRANT of IMPROPRIATIONS.

Upon a particular sense we have of the naked and unsettled condition of our Church in Ireland and with the desire of providing it with a fit and suitable maintenance for the future in these parts of it where such maintenance shall be most needful, we have resolved to give to it all such impropriations in that kingdom as at the present settlement shall be found to belong to us and be in our disposal. Provision is to be made accordingly in the Act shortly to be passed for the more effectual settlement of Ireland. That we may not be prevented by surprise or otherwise in those our princely and Christian resolutions, we have thought fit to direct you to pass no more grants of impropriations by virtue of any warrant obtained from us therefor. *Pp.* 1¼. *S.P. Ireland* 312, *pp.* 173-4.

18 Nov. The LORD LIEUTENANT to the KING.

I presume to direct the account of moneys received by me for places below stairs immediately to your Majesty. My desire is that you would be pleased to read them over and then dispose of them as your Majesty shall think fit. I find it reported that much more hath been received than is accounted to me, which reflects upon Sir George Lane as unfaithful, and upon me as too easily deceived. These accounts, if examined, will prove his guilt or innocence, and whether or not he should be continued in posts of trust. He should not lie under a false imputation.

I will carry out your Majesty's commands regarding Lord Callan when he provides the means or when any opportunity occurs to me. I am sure he will deserve your Majesty's favour.

Permit me "to congratulate the Queen's wonderful and happy recovery. God continue her a blessing to you and make her a lasting one to your people." *Pp.* 2. (*Hol.*). *Endd. S.P. Ireland* 315, 20.

18 Nov. Dublin. DR. WILLIAM FULLER, Bishop of Limerick, to SECRETARY BENNET.

I heartily thank you for yours of November 7, "which gave me a more pleasing satisfaction than you could receive from the sight of your beloved Christchurch; because it restored me to what you seemed to sigh for, youth; making me to live again in your friendship and to believe it is not two years since I put on a bachelor's gown and had the honour of your conversation.

"You are pleased to take notice of my thriving in this air. I most humbly thank His Majesty I do. But I cannot but make known that I might have thrived better had not my half-year's rent of Limerick been withheld from me; as due to me as the half-year's

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rent of the Bishopric of Oxford is to the Dean of Lichfield. For the Bishops in this Kingdom should have succeeded into the sees and profits of their predecessors as my Lords the Bishops did in England; which was not observed, and consequently I am disappointed of the half-year's profits of Limerick." In recompense for part of this loss I ask that the King will grant that the letter wherein the *commendam* of my Deanery was granted to me for two years from August 24, 1663, may be so altered as to date from any day in this month, so that it precedes Dr. Bayly's letters, now recommended to the Bishopric of Killala. Perhaps the former letters, which I now send, may with the dates altered in the King's presence suffice, and I send them. If not, I ask for new ones. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 315, 24.

18 Nov. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I am glad to be able to count upon your friendship. I am accused of having kept back moneys received for the Lord Lieutenant for places in his jurisdiction sold at Court. It is true that when his Grace was coming into this kingdom, I thought it my duty to him and an act of prudence to myself to account with him for those and all other moneys received by me for his Grace's use. I did this punctually and thereupon had a formal discharge from his Grace. Those accounts together with my charge and the vouchers of my disbursements were then delivered up by me to my Lord, and his Grace consigned them to other hands. There they have since lain as "escrowles," never, as it seemed, to be viewed again. His Grace has now sent them to the King, and a list of the sums he received for offices, and of the servants of himself or his father whom he admitted without payment into the King's household. I send you duplicates and beg for your protection. The sums which I received in addition to those given to his Grace were voluntary gifts and a great many of the applicants I never saw. It was Sir William Boreman who made the contracts. If any thing fresh occurs in this matter I should like to be acquainted with it.

As to the letter recommended to you by the Lord Lieutenant in my behalf, I shall endeavour to explain it as well as I can. I send you a copy of the proviso in the Act of Settlement; wherein you will see that I have the same benefit of reprisal in case of restitution of any of the lands granted to me as any adventurers, so that, if you will be pleased to reflect upon the draft formerly sent to you, you will find it contains no more in substance than that proviso does. The letter is merely a good preparation for ascertaining the reprisals which must yet be confirmed by the Commissioners when they shall come to that work. The case is similar to that of Sir Theophilus Jones, for whom you procured a letter which came over the other day. Pray procure a similar letter for me.

P.S.—I send a relation of Mr. Lackey's escape, &c. *Pp.* 3½. (*Hol.*). *Endd. Ibid.* 25. *Enclosing*—

1663.

A relation of the manner of apprehending William Lackey on Sunday, 15 *November,* 1663.

"Lackey having about six o'clock the night before made his escape out of Newgate in woman's attire by the assistance of two women who were supposed to be men disguised in that habit, by them his bolts being filed off they conveyed him to little Thomas Court and lodged him over the gate of the said Court in the hollow of the wall. On Sunday a gentleman living near that place having occasion to send his servant into the city, the servant at his return discovered Lackey in woman's attire endeavouring to go of [*off*] *the wall, and he, seeing the servant, desired him to procure him a ladder to help him down; but he presently went to his master and, finding him in little Thomas Court with a gentleman that was not very well, made relation to them of what he had seen." They then looked out at a window and saw Lackey upon the wall and he that was visiting the sick gentleman ran out and overtook Lackey as he was making towards a clothier's. On being asked who he was Lackey confessed his name and escape and asked him who stopped him for help, but he was brought to little Thomas Court and kept there till he was returned to Newgate. On the* 18*th he was by order of the Lord Chief Justice of the King's bench brought to the bar of that Court to receive sentence, having been formerly convicted of treason where Sir William Ason* [*Aston*] *told him "what a remarkable work of God it was that he who before had feigned madness on purpose to elude the sentence of the law had by his own act as escaping out of prison discovered himself, and demanded what he had to say why judgment should not pass against him according to law." He said he had only escaped because of the miseries and hardships of prison, and thanked God he was in a better condition to answer for himself than when he was last in that place. As he offered nothing material, sentence was pronounced upon him. Pp.* 1½. *Endd. S.P. Ireland* 315, 25, 1.

18 Nov. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

The enclosed in favour of Mr. John Houston will show how far the late King went towards granting an estate to his father. You will see it is fair that this gentleman should profit by this favour. I ask that the letter be presented at an early opportunity for the King's signature. *P.* ½. *Signed. Add. Endd. Ibid.* 26.

Same. Sir George Lane to Joseph Williamson.

I have yours of October 24, 27 and 31, and of November 4. I am sure you will get Mr. O'Neile to further my business there as vigorously as I did his here. I wonder that you say that the Irish Bishops' letters have lain for dues; for considerable bills of Exchange have been sent over and I always told you that clerks' and

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signet fees were to be paid out of these; and the remainder to Mr. Secretary himself. For the future "for God's sake keep the letters till you receive the dues." I have never had 3*d.* for any letter, though you see they are all written fair by my [?] servants, "such a wooden age we have on it." I hope things will improve. *P.* ¾. (*Hol.*). *Add. Endd. S.P. Ireland* 315, 27.

18 Nov. Council Chamber, Dublin. The Lord Lieutenant and Council to Secretary Bennet.

On September 17 last I, the Lieutenant, received the King's letters of 21 August last, signifying the King's will and pleasure (for the reason expressed in the letter) that I should command Samuel Bathurst not to molest Robert Ward or any other deputed by Daniel O'Neile, one of the Grooms of the Bedchamber, in the execution of his office as deputy postmaster to O'Neile in this country. I communicated this letter to the Council and Bathurst was heard there by his counsel, and presented a petition to me (which I also communicated to the Board) wherein he insisted upon the rights not merely of a deputy to O'Neile, but of an interested partner in the King's letters for the postage of the Kingdom, which he alleged Colonel Bishop could not make void. We sent a copy of this petition to O'Neile on 9 September last to the end we might hear from him without giving the King further trouble.

Since then I, the Lieutenant, received on the 24th of October the King's letters of the 10th of that month and letters from Mr. O'Neile also (now enclosed). By these letters Mr. O'Neile asked that Ward might be confirmed in that charge. The King's letters, repeating his former letters, were to the same effect, directing that Ward be preserved in the office, and Bathurst be left to his remedy at law.

According to the usual manner I communicated the King's letters to the Council and also a further petition of Samuel Bathurst. We considered these, and are desirous to yield the King due obedience. Yet as Bathurst alleges a right and interest (a matter which should be decided by law and is not therefore discussed by us) and as, if he have no right, O'Neile may easily avoid his pretensions without troubling the King therein, and as, if we were to preserve Mr. Ward, it would be equivalent to expelling Mr. Bathurst from a post to which he claims a legal and equitable right and interest and would undoubtedly cause doubts and fears in the minds of many persons who hold their freeholds and estates by such rights, and as such doubts would be very undesirable at the present time and in the present unsettled state of the Kingdom—we therefore, considering this case with a view to the preservation of the King's justice and not upon the particular facts, resolved to await further notice of the King's pleasure before acting in the matter. This has been done formerly when obedience to the King's commands seemed to be fraught with inconvenience. This course will not, of course, "foreclose" Mr. O'Neile from asserting any rights he may have. *Pp.* 2½. *Signed by* the Lord Lieutenant and ten Councillors. *Add. Endd. Ibid.* 28. *Enclosing*—

1668.

Petition of Samuel Bathurst to the Lord Lieutenant showing that:—

By several deeds from Mr. Bishop, the petitioner is not only deputed but constituted postmaster of all the King's posts in Ireland not during the will and pleasure of Mr. Bishop, but for the term of six years. These deeds also grant him a third of the profits of the Irish postmastership. These words in the premises of the grant constituting him postmaster, give him an interest in the office and are not restrained by the words in the habendum.

It is conceived that the grant made to petitioner by Mr. Bishop is not void, but, at most voidable, and that it has since been made good by the Honourable Daniel O'Neile himself. This appears by letters directed to petitioner under O'Neile's own hand, wherein he owns petitioner as the executor of the office of postmaster. He directs petitioner for instance to correspond with Col. Philip Frowde, deputy to Mr. Daniel O'Neile, who upon that correspondence assures petitioner that he will have the same quarterly allowances and payments as Mr. Bishop. This prevents O'Neile from now removing the petitioner.

It is submitted that O'Neile, by his agreement with Bishop, is bound not to remove petitioner nor to deny petitioner the benefit of the contract between petitioner and Bishop. Having notice of Bishop's covenants, O'Neile is bound in equity by them. Since his grant from Bishop, petitioner has been confirmed in his office by letters from the two Secretaries of State in England and has received letters under the Sign Manual approving his appointment.

Having thus obtained a title to the office which he considered valid in law, or, at least, in equity, petitioner spent his time and industry in the improvement of the office and also disbursed large sums of money, especially in erecting offices only fit for that particular service. He has also made sub-contracts for his term, and will be sued on these if he is now removed. This will mean ruin to him.

Petitioner appeals to the Lord Lieutenant and Council to say whether or not he has diligently executed the said office. He has kept faith with O'Neile and has only withheld his recent profits because he perceived that O'Neile, led away by false information, had declared his intention of removing him from his office.

On all these grounds petitioner prays that he may be confirmed in his office, and that, even if in strictness of law some flaw can be found in his claim, the King may be pleased to look on the matter as "great equity on your petitioner's side," and may give him leave to remain in the said office till 29 *August,* 1666. *Pp.* 2¼. *Signed. Endd. S.P. Ireland* 315, 28, 1.

[18 Nov.] [Sir George Lane] [to Secretary Morrice].

I have yours of the 7th and 14th, and have been industrious in your interests. I know you have had no unkindness for me. I do not enter into the dispute as to the transaction of business in

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this kingdom; but merely say that the King's declaration in Council, which I took to be a determination in the point, is entered in the Council book for June, 1662. I shall, hereafter, be more cautious in placing my *careats*. *P.* ½. *Unsigned. Endd. in* Lane's *hand* "a copy of my letter to Mr. Secretary Morrice, dated 18 of November, 1663." *S.P. Ireland* 315, 29.

18 Nov. Whitehall. The KING to the LORD LIEUTENANT for the EARL OF CARLINGFORD.

We have given orders for lands to be set out to the Earl of Carlingford in co. Louth in compensation for the interest he had in the estate of Bryan MacDonagh, of Coollony [Collooney], co. Sligo. Pursuant to this order lands were set out to the said Earl (then Viscount Taaffe), and a custodiem [*sic*] of all or some of them was granted him. In our late Act of Settlement the provision of an estate in co. Louth was assured to the then Viscount Taaffe in lieu of the estate of Collooney. You shall set out lands in co. Louth to him accordingly, reserving such rents as are payable by adventurers and soldiers. Favourable clauses. *P.* 1. *S.P. Dom. Signet Office VI. p.* 11.

21 Nov. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

I have yours of the 10th which came last night after the last of our packets on this side was made up. I can only say that I should like to know "what clauses, and in what bills they are, which his Majesty observes to be derogatory to the prerogative of his Crown, that my inadvertency or ignorance for the time to come may not involve me in mistakes so contrary to my purposes and principles." *P.* ¾. *Signed. Add. Endd. S.P. Ireland* 315, 30.

21 Nov. Dublin. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

I received yours of the 13th before I could tell you how near your last letters were to "have missed a receiver here if I had gone to feed hadoks" as I thought I was going for six hours together. I hope to have good news of you.

Soon after this, or with it, you will receive a letter from the Lord Lieutenant recommending Colonel Daniel Tresswell. He is a "worthy honest gentleman" and a friend of mine, and would be yours if you met him. He is a friend of Mr. Secretary. The letter may come with mine or may be brought by Mr. Getting, agent for the '49 men. He is an honest fellow and our Lord Chancellor of Ireland's kinsman. Pray use him kindly.

Let me know in your next when it will be time for me to put on Mr. Cowper and Hallsell's business again. I have a little concern in the matter and so has my Lord Arran, and one more of your friends. We shall send you over the letter "done as it ought [to be]" and with the recommendation of the Lord Lieutenant.

Other details as to Colonel Tresswell, &c. *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 31.

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28 Nov. Whitehall. PROCLAMATION or LICENCE by the KING in favour of [SAMUEL] BUTLER.

"[Samuel] Butler, Esq., hath with good success and approbation composed a certain book or poem which [he] at his own expense hath made public under the name or title of Hudibras and already caused two parts of the same to be imprinted. And whereas it would prove an apparent damage and injustice to the said [Samuel] Butler, if, after such pains and cost employed, any other person should be admitted to share the fruits with him by reimprinting the said poem or any part thereof without his privity or consent.

"Know ye—that for the just reward and encouragement of the said Butler, we are graciously pleased and accordingly we do hereby strictly prohibit and forbid all our subjects to reprint in any of our kingdoms or dominions the said book or any part thereof already composed and made public or which hereafter shall be composed and lawfully made public or imprinted by the said author, as the same is or hereafter shall be so published by him or otherwise, howsoever counterfeited or disguised by any alterations for and within the space of . . . years . . . . . excepting always the said [Samuel] Butler, his executors, &c. . . . As also that none of our subjects import, vend or put to sale any of the copies or exemplaries of the said book within any of our kingdoms and dominions, if it shall happen that the said book or any part thereof be reprinted in any part beyond the seas as it stands now perfected, . . . or however disguised with any alterations upon pain of our high displeasure." Such copies shall be confiscated [and fines imposed for importing them,] one-half of which shall go to the Exchequer and the other to Butler. *P.* 1. *S.P. Dom. Signet Office VI. p.* 10.[1]

24 Nov. The LORD LIEUTENANT to [————].

I send you enclosed a draft offered to me by the Earl of Cork on behalf of several of the inhabitants of Lismore who, being judged innocents, have agreed to make over their interests to his Lordship. It is "resolved to plant Protestants in their places, which will be of so great advantage and security to that Corporation" that I recommend the draft for His Majesty's signature. "Yet unless His Majesty shall be pleased according to the authority reserved to him by the Act to admit them to the enjoyment of their interest in that Corporation, his Lordship cannot with any security deal with them." I recommend this matter to you because Lord Cork thought that, without such recommendation, it would not be easy for him to obtain this favour, "upon some precautions I have formerly

(1) This is not particularly a document relating to Ireland, but is calendared as it does extend to Ireland as well as elsewhere. This volume of the Signet Book contains several grants not relating to Ireland.

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given unto you in reference to Corporations, the security whereof depends greatly upon planting them with loyal Protestants." *P.* ¾. *Signed. Not add. Endd. S.P. Ireland* 315, 32.

24 Nov. ENTRY of WARRANT

For a baronet[cy] to Luke Dowdall, of Athlumney in Ireland. *Two lines. S.P. Dom. Entry Books XVI. p.* 1.

25 Nov. Dublin Castle. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

We are informed that the Londoners are endeavouring to pass a new grant from His Majesty and that they intend to include therein the customs and perhaps the excise at Londonderry and Coleraine and the members of those ports. If they get these rights the King's revenue will be much diminished, whether the customs and excise be farmed or not. Besides the provisions mentioned, the grant may contain terms which are inconsistent with the Act of Settlement. These leave the election of magistrates and regulation of cities and corporations for seven years in the hands of the Lord Lieutenant and Council. They may also have asked for licence in the Charter "to export all prohibited goods coming and growing in their territories, which doubtless will not only destroy the manufacture of this kingdom, but take away the trade of all other marine towns and lessen the King's customs throughout the whole kingdom, for that all the butter, tallow, hides, &c., of other countries [counties?] brought thither cannot be distinguished from the growth of that territory," so that the laws and policy of the King in those particulars will be frustrated and the penalties avoided.

There may be other things in the patent which are open to objection and which can be prevented if the document is inspected and passed under the Great Seal here. If it is passed under the Seal in England these things may not be discovered. *P.* 1. *Signed. Add. Endd. Ibid.* 33.

25 Nov. Dublin. The LORD LIEUTENANT to the KING.

I have not obeyed your instructions to turn Mr. Bathurst out of his office as deputy-postmaster. His pretension is such that, whether his claim be good or bad, he cannot be at once turned out, but must be dealt with by an ordinary way of proceeding. The thing might have been properly brought to a conclusion already if Mr. O'Neill had betaken himself to it. I know I am thought too formal and scrupulous in this matter; but my life will show that, where the interest of the Crown is concerned, I have never been so. "No longer ago than this summer, without, if not against, law, I made no difficulty by my particular order (least it should meet with opposition or disappointment if I imparted it to the Council) to

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disarm upon the matter the whole kingdom and commit many suspected persons to several prisons." I did this because the King's interest and the peace of the kingdom required it. But in ordinary cases like the present I have not used your authority, reserving it for those that are more important. *Pp.* 1⅔. *Endd. S.P. Ireland* 315, 34.

25 Nov. Dublin. DRAFT of LETTERS PATENTS for SIR ROBERT BYRON.

Granting to him the post of General and Master of the Ordnance in Ireland, which is vacant owing to the death of Hugh, Earl of Mountalexander, with the usual fees, privileges, &c. *Pp.* 5½. *Latin. Underwritten.* Entered at the auditor's office, 17 March, 1663[4]. *Endd.* with notice of enrolment in the Rolls of Chancery in Ireland and of entry in the office of the musters. *Ibid.* 35.

25 Nov. Dublin Castle. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

We have enclosed a draft of a letter for His Majesty's signature authorising us, the Lieutenant and the Council, to proceed in the contract we have made with Mr. Peter Harvey and his partners for farming His Majesty's Customs and imported Excise for six years at £55,000 a year. The King's counsel are meantime preparing the agreement which will contain the covenants of the Crown and of the farmers. These drafts will be examined by me and the Council and will be amended as we think right, and I think we shall have the draft ready for the Great Seal by the time we get the authority, for which we now ask. The farm is to begin on December 25th next, and the farmers will have only the time between this date and that to make all their dispositions for carrying on his work. If all is not ready by December 25th, it is possible that both the King and the farmers may lose. *P.* 1. *Signed. Add. Endd. Ibid.* 36.

26 Nov. Dublin Castle. SIR GEORGE LANE to [the SAME].

I enclose letters from the Lord Lieutenant for the King and yourself. I count on your favour in my concerns, of which you already have details. *P.* ½. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 37.

28 Nov. Dublin. The LORD LIEUTENANT [to the KING].

By some questions put to me by the Lord Fitzharding I have concluded that much of what is past is forgotten and the state of affairs here is misrepresented [at Court] by some. I have therefore taken this occasion to speak on these matters and on others,

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which, I hear, are the subject of many men's discourse. "How much soever these suggestions may reflect upon me I would have reposed with great confidence and quietness upon your Majesty's justice and favour without giving your Majesty or myself the trouble of a defence," but that I thought that the answers which I was able to make would be of information and use to your Majesty at present. Your Majesty knows best from what quarter any such suggestions as I speak of "have had the confidence to be brought to you," and will know whether the motives of such suggestions are those of loyalty and justice. I shall therefore forbear any more full description of them, lest the discovery be thought to proceed from my resentment of them. I am only anxious to do you service. "God direct your Majesty in all things and keep you." *Pp.* 1½. *Unsigned. In* Ormond's *hand. Endd. S.P. Ireland* 315, 37.(1)

28 Nov. Dublin. The Lord Lieutenant to Secretary Bennet.

I am sending the King some observations upon the matters which I hear are being discussed to my prejudice at Court. I do this so that if any person should take the boldness to approach him he should have before him such an account as might furnish him with ready answers. His Majesty may, in these observations, find something which is not altogether useless at this time. *P.* ½. *Signed. Endd. Ibid.* 38.

Same. Sir Nicholas Armorer to Joseph Williamson.

"Dear Secretary,"

But for my friend's sake I should not have put pen to paper this night. Sir John Stephens wishes you to have certain papers which I enclose. He hopes for the favour of Mr. Secretary, and that you will get it for him. I have been ill this four days with "a scurvy rhume in my eyes that I can scarce see to tell you that I am in all estates and conditions.

My dear Secretary,

Thy own obliged and faithful servant,

N. A."

P. ⅔. (*Hol.*). *Add. Endd. Ibid.* 39.

28 Nov. Whitehall. Entry of Secretary Bennet to the Lord Lieutenant.

I received your four letters of 11th, 16th, 18th, and 21st November to-day, which explains my complaint that I had not heard of you for a long time. I shall answer the points mentioned in them when I have consulted the King. I will also send you his

(1) Possibly the memorandum calendared below at December 9, was sent with this letter.—Ed.

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opinion in the matter of the postmastership and of the farming of the "water duties" and imported excise. Meantime the King directs me to order Captain Bartlet, Commander of the Packet, to deliver the mails for Ireland to Mr. Ward, who is substituted for that purpose by Mr. O'Neile, and to no other. I can say that Mr. Morice petitioned the King that he should be preferred in the matter of the farm to Mr. Harvey, and that, the King allowing some debate on it, I reminded him of your recommendation of Mr. Harvey, upon which he was content to refer the whole matter to your Grace, to do what should seem best to you for the King's service. Having been informed of what you think best, I shall procure the King's ratification of it. The Council here declared also their opinion that the customs there should not be kept any longer out of farm in the hope of better offers.

P.S.—My servant, Robert Lye, asks me to ask that you will favour a pretention of his which is in Sir William Domvile's hands. I am anxious to serve him, and accordingly comply with his request. *Pp.* 1¾. *S.P. Ireland* 312, *pp.* 174-176.

Nov. DRAFT of the KING to the LORD LIEUTENANT for WILLIAM ROSSE.

Rosse has expended considerable sums in making out a discovery of several lands in co. Cork and in the barony of West Carbery, and has taken trouble and incurred expense in purchasing the interest of Lord Caulfield and Patrick Taland, Esq., who were joined with him in a *custodium* of the said lands this last year from our Exchequer at the rent of £15 reserved unto us, as will appear by the said *custodium*. Rosse shall have the lands contained in the former *custodium* set out to him in his own name by lease under the Great Seal or Exchequer Seal of Ireland, adding thereto the west half ploughland of Dunbeacon formerly the property of Dermod [?] Carthy, *alias* Glack Ardrywinny, one ploughland formerly the propriety of Fyneen Mahony, Dirry Funtin [Derryfunshion], half the propriety of the said Dermod, and Kilglasse half-ploughland, belonging to Fyneen in [Mc?] Cormack Carthy, which have also been discovered by the said William Rosse. A yearly rent of £20 is reserved on the above lands. If any part of these lands has been granted since May last to Widow Dent or any other person who has not made out a good title to them, but only a *custodium* during our pleasure, we declare the same void, that these lands, &c., may return to our faithful servant Rosse. The lease shall pass under the Great Seal or Exchequer Seal of Ireland and shall be for thirty-one years. Provided that we may dispose of the lands either to the ancient inhabitants if they be adjudged innocent, or, if not, for reprisals, after we have compensated Rosse therefor. Favourable clauses. *Pp.* 2. Dated — November. *Endd. S.P. Ireland* 315, 40.

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1 Dec. Whitehall. Entry of Secretary Bennet to the Lord Lieutenant.

I can now answer yours of the 11th, 16th, 18th and 21st, having read them to-day in the King's presence. The King accepts what you say of Sir Thomas Wharton's merit and is content that as he is not provided for by the Act (which has been so bountiful to others) the warrant be signed for him. Accordingly I shall look it out and present it.

His Majesty bade me keep the papers concerning your sale of places as Lord Steward of the Household till he calls for them.

His Majesty fully agrees to your contract with Mr. Harvey and a letter under his hand and seal to that effect will be immediately despatched to you.

The King had the patience to hear not only the Council's letter regarding the affair of the post-office, but also Mr. Bathurst's petition, wherein he states his rights. The King thinks these rights very weak. However, he does not wish Bathurst to be dismissed without being heard, and accordingly directs me to require Bathurst to attend here; and that he have time given him till January 10th to come over.

Hearing that Lady Lucas has not profited by his grant to her, the King is ready to make any other grant to her which you offer to him according to her sufferings in his service.

The King is unwilling to pardon Staples on the motives suggested to him, "especially it falling in a time and country when there is more need of examples of his justice than mercy," and hopes you will not be led away by good nature. For that reason he refuses absolutely to pardon Sharpecutt [Shapcot] "who hath been always represented to him as a man of very dangerous and seditious spirit, and especially since the evidences show him only more cautious and not better intentioned than the worst of those traitors."

The King agrees to your not sending over Sir William Domvile since there is so much need of him there.

The King promises Granger shall not be troubled by Lord Gerard if he will discover himself, but on the contrary be freed from all trouble and enjoy the benefit of the promises made to him, he making good his undertakings. In the meantime there is no reason why his papers should not be opened and an attempt made to decypher them by the use of his key—though, as I remember, his method seemed very intricate. If you think it worth while to send the papers here we may make something of them [*details*], but the best course is to get Granger himself, and Mr. Moore should be able to help you to him. Since he absented himself he has been seen in Flanders, but lately I have not heard of him.

Mr. Churchill's friends have been very earnest with the King to obtain leave for him to come over here. His Majesty leaves the matter in your hands. Mr. Churchill will give you his reasons for wanting to come.

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Yesterday the King heard what the Commissioners had to say about amending the bill and named a numerous committee to advise on the method to be pursued to that effect. They met upon it to-day but did little, and meet again to-morrow at my Lord Chancellor's, his lordship's indisposition not suffering him to come to the Council Chamber. The King directs them to make his Declaration and Instructions the ground upon which they proceed. If their work has any result I will let you know without fail. *Pp.* 3¾. *S.P. Ireland* 312, *pp.* 177-180.

1 Dec. Whitehall. ENTRY of SECRETARY BENNET to WINSTON CHURCHILL.

Informing him that the King will allow him to come over if there is no urgent need for his remaining in Dublin. He may come over on the Lord Lieutenant's leave without waiting for a Royal warrant. *P.* ½. *Ibid. p.* 181.

2 Dec. Dublin Castle. COPY of the LORD LIEUTENANT to the Officers of the Board of Greencloth.

It was by my order that Sir George Lane, my Secretary, was served with three dishes of meat a meal during my being at Whitehall "out of my commands" as Lord Steward. I gave orders therein to Sir William Boreman, and afterwards declared the same at the Board of Greencloth; so that there might be no scruple in passing the same. *P.* ½. *Endd.* "Copy of my Lord Duke's letter to the Officers of the Greencloth." *S.P. Ireland* 315, 41.

2 Dec. Dublin. WINSTON CHURCHILL to ————.

I desire you to favour my application for leave to come over for two months. I can be spared here, for I do not believe the bill to be in any such forwardness as to think it will get here before me. As regards the Irish affair you should see that so much settlement as has been obtained is not upset in order to please a few. "This hath some retrospect on my Lord of Antrim's case, the very canvassing of which hath begot already ill effects, and is like to produce worse if not wisely checked." The second is not to pen the Act so as to suffer any parties to be judges; for, as I have ever told you in the business of Ireland, you will find yourself strangely deceived if the King be not absolutely despotical. I shall say no more till we meet. *P.* 1. (*Hol.*). *Endd. Ibid.* 42.

Same. DR. ROBERT READING to WILLIAM GODOLPHIN.

I feel I should have written to you before being compelled to do so. But really since I came into this kingdom I have found things to do every day, "and the making good the fortunes of my lady and her

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children against my Lord Mountrath on the one hand and the Irish claimants on the other, hath so employed my little comprehension that I have been faced to want the greatest good of life, which is all conversation with my friends." But I hope that we are still good friends. You have been so much my helper that I trouble you to relate to you "a passage which concerns me much. There was lately a most notorious riot and forceable entry made in the night time by my Lord Gormanstown and about 120 Irishmen upon some men of mine in possession of the house and manor of Gormanstown." These lands being declared forfeited by the Court of Claims, Lord Gormanstown could only have expected them among the thirty-six persons named in the Declaration to have their estates after reprisals first set out to the English. You may have noticed how these lands were in the Act set out to the late Earl of Mountrath, as also how much the King was pleased to oblige himself to do it. "My servants being all wounded and so beaten out of the house, the country have by inquisition found the force, but when the sheriff came with the *posse comitatus* upon the precept of the justices to remove the force and restore us to the possession, he was shot at from the Castle so fiercely, and so many of his men wounded that he could not remove them that day; and by the next this matter was removed unto the King's Bench by *certiorari*, where the offenders are to be proceeded against, but by this means we are kept out of possession till next term." It was much argued that the Lord Lieutenant should appoint the next garrison to put down this little rebellion, but they decided to leave them to be punished by law; "and truly it is much disliked that such an action should happen in such a place, when it is not yet forgot how many English were murdered there not long ago." I now fear lest a pardon or order to enter at *nolle prosequi* should be obtained from the King, and my request is that, either by a *caveat* or otherwise, such an event should be prevented at least until my petition, showing the heinousness and ill consequences of the fact, has been heard by the King, and also the report of the Lord Lieutenant or Chief Justice of the King's Bench. Unless the King interposes in this matter we shall surely have possession next term. The King's letters of July, 1662, show how fully he intended that my lady should have these lands. *Pp.* 2½. (*Hol.*). *Add. Endd.* "*Dr. Reading. Caveat.*" *S.P. Ireland* 315, 43.

3 Dec. Whitehall. The KING to the EARL OF ANGLESEY for THEOBALD, EARL OF CARLINGFORD.

We directed your on the — day of —, to pay £3,000 to the Earl of Carlingford out of the Adventurers' and soldiers' moneys. Only £1,000 thereof has been paid, the fund having been used for other purposes. The remaining £2,000 shall be paid to him out of the second payment made by the adventurers and soldiers when the valuation of their half-year's rent is returned. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 13 *and* 13*d.*

Also note of same. *S.P. Ireland* 312, *p.* 183.

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3 Dec. SIR WILLIAM DOMVILE to SECRETARY BENNET.

I am thankful for the King's favour and your kindness, and anxious to requite you. As Seneca says "*Qui meminit beneficia ingratum non dixeris.*" I am glad to take refuge in your kindness as "a shelter from a storm and a shadow from the heat of enraged and unreasonable men." We want positive laws to judge men's actions by, and I know we shall have these now that the matter is under the King's Royal consideration, "who hath both the heart of David and the wisdom of Solomon." *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 315, 44.

[Same.] [GEORGE MORLEY,] BISHOP OF WINCHESTER to JOSEPH WILLIAMSON.

When I spoke last with Mr. Secretary it was about the Dean of St. Patrick's, who had the King's letter for the Bishopric of Limerick dated August 24, as likewise he had other letters from the King dated September 3 for the keeping of his Deanery of St. Patrick's in *commendam* for two years after his promotion to the Bishopric. It hath fallen out that the Bishop of Cork, who was to succeed the Archbishop of Dublin, and the Bishop of Limerick, who was translated to Cork, though they had their letters from the King for their respective Bishoprics at the same time as the Dean of St. Patrick's had his, yet did not have such letters brought over till they had received the last half-year's rent from the respective sees which they left. This may have been by accident or by design. The Dean of St. Patrick's will therefore not [only] lose the half year's rent of Limerick, which he should have had, but [also] one year's profit of the Deanery which he is to hold in *commendam*. This can only be remedied by altering the date of his letter for the Bishopric to a date later than that for the Bishop of Limerick to be Bishop of Cork and by dating his letter for the *commendam* at a later date still. The first should be dated 25 November, 1663, and the second December 1. Mr. Secretary owes so much kindness to the Dean of St. Patrick's that I am sure he will get the alteration made in the proper manner. The Lord Lieutenant has agreed to the change. I have been ill for a few days. *Pp.* 1½. (*Hol.*). *Add. Endd. with date. Ibid.* 45.

3 Dec. Dublin. SIR GEORGE WENTWORTH to the SAME.

I shall let you know when a place is vacant which you can get for me, and shall rely on your kindness which I shall fully requite. At present I know of nothing that is not already promised. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 46.

4 Dec. SIR WILLIAM DOMVILE to DANIEL O'NEILE of the KING'S bedchamber.

Concerning the surrender of Lord Ranelagh's letters and giving of fresh ones. *Pp.* 1¼, *largely erased.* (*Hol.*). *Add. Endd. Ibid.* 47.

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5 Dec. Whitehall. The KING to the LORD LIEUTENANT and COUNCIL for PETER HARVEY and his PARTNERS.

We have considered your joint letters of the 11th of November last concerning the farming of the Customs and Imported Excise of Ireland. Mr. Harvey and his partners have offered more than Mr. Morice and his partners for that farm [*details given as above, p.* 283 *&c.*] and we therefore ratify and confirm the order of you and the Council of Ireland made the 31 October, 1663, for setting the farm to Mr. Harvey. You shall by the advice of some of our counsel learned in the law there, draw up a grant to Harvey in due form of law, setting it to him and his partners and assigns for six years at £55,000 a year, upon such security and conditions as you think good. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 11*d and* 12.

Also note of same. *S.P. Ireland* 312, *p.* 183.

Same. SECRETARY BENNET to the LORD LIEUTENANT and COUNCIL.

I have yours of the 18th, 25th and 27th November. In the matter of Mr. O'Neale and Mr. Bathurst the King directs that Mr. Bathurst come over here, as he wishes to hear the matter in Council. You will by the enclosed receive authority to warrant Mr. Harvey for entering into the farm of the Customs and Excise. I also heard from you that the Londoners may try to get the customs of Derry and Coleraine, and perhaps the excise, granted to them in some grant; and have caused a *caveat* to be entered at the Signet Office that no such grant pass without my view.

I shall answer all your letters with this punctuality unless the King directs me to answer to the Lord Lieutenant. I must say this in my own defence, as I am accused of dilatoriness. *Pp.* 1¼. *Entry. S.P. Ireland* 312, *pp.* 184-5.

Same. The SAME to the EARL OF ORRERY.

I am ill, so write shortly. I am much obliged to you for having "digested into so good and effectual a method" this letter, which I return in order that it may by you be offered to the Lord Lieutenant. It is to be afterwards offered to the King with the condition that I will make no use of it if my pretensions to the Clanmalier estate succeeds. "For, I confess to your lordship, my stomack will not serve me to proceed otherwise." I am sorry you have had so much trouble. I mention no sum, but leave that all to [till?] my pretension to Lord Clanmalier's estate proves ineffectual, because, by what I see passing through my hands, I cannot but think that the whole sum will be quickly disposed of. After his good nature to me, perhaps the Lord Lieutenant will not be displeased with an expedient which will provisionally secure me a part of it. *P.* 1. *Entry. Ibid. pp.* 185-6.

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General date 7 Dec.

DOCUMENTS RELATING TO THE CASE OF CON MAGENIS, OF COLLCAVY [CULCAVY], CO. DOWN, AND OF PATRICK RUSSELL, OF CONIAMSTOWN IN THE SAME.

Copy of Petition to the Lord Lieutenant of Con Magenis, showing that:—

In 1641, when the rebellion began in Ireland, the petitioner was living in Killwarlin near Colonel Hill's house. Upon hearing of it he joined Colonel Hill at the place where he was "at that present" and adhered to him and the British forces then in Lisnegarvy and Carrickfergus. He remained there for six weeks, but was then forced by want to go to his former residence in the country and lived there in a miserable condition till 1649. Then, when the Lord Lieutenant laid siege to Dublin, petitioner brought thither a foot company. He did good service to several English in 1641, preserving their lives, as will appear by examinations taken by the Commissioners of Revenue at Belfast in the usurpers' time and hereto annexed.[1]

He prays that the Lord Lieutenant will give him such a certificate as will enable him to secure a pardon from the King. *P.* ¾. *Underwritten with*—

Copy of certificate by the Lord Lieutenant dated Dublin Castle, 7 December, 1663, to the effect that, having seen the examinations annexed to the petition, he thinks the petitioner worthy of pardon. *In all, p.* 1. *Certified* a true copy by William Godolphin, *and followed by*—

Petition to the Lord Lieutenant of Patrick Russell as above, showing that:—

In 1641, when the rebellion began in Ireland, petitioner "unanimously" adhered and contributed to the British forces then in the co. Down, "and continued so for some months thereafter, at which time, being oppressed and not able to live in his place of abode (being no military man) was forced to desert his dwelling for safeguard of his life" and lived disconsolate till 1649. He then served under the Lord Lieutenant at the siege of Dublin and received from him an order that he should be settled in his estate of 300 acres. The Earl of Ardglass, Governor of Lecale and Kinalerty [Kinelarty], executed this order, and he has since been in possession, having shown to the usurpers' Commissioners of Revenue at Belfast that he had helped the English and Scotch in the North in 1641. He put in his claim before the Commissioners of Settlement, but was not able to get a hearing. Prays, &c., *as in foregoing petition. Underwritten with*—

Copy of certificate by the Lord Lieutenant dated Dublin Castle, 5 December, 1663, stating that the order of 1649 in favour of petitioner was made on good grounds and recommending the petitioner for pardon. *P.* 1. *Certified &c., as foregoing. Endd. with*—

(1) Missing.

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Certificate by D. Neille.

About 7 August, 1649, he saw Captain Con. Magenis with a foot company under his command march through Trim to join the Lord Lieutenant at his rendezvous near Dublin. Neille was then Governor of Trim by patents from the Lord Lieutenant. *P.* ½. *Signed.* Dated 13 October, 1663. *Certified, &c., as foregoing petitions. In all, pp.* 2½. *Endd. S.P. Ireland* 315, 48.

This concludes the documents relating to this case.

8 Dec. Whitehall. WARRANT under the SIGN MANUAL to the LORD LIEUTENANT.

Directing him to see that the necessary "writs, grants, letters patents or other processes" be prepared for granting the Bishopric of Limerick and temporalities of the see to William Fuller, Dean of St. Patrick's, Dublin. Also to take similar steps for granting to Dr. Fuller, in *commendam*, the sees of Ardfert and Aghadoe, held in *commendam* by his predecessor at Limerick, and the Rectory of Tradery, in Killaloe diocese. He shall also hold his Deanery of St. Patrick's, Dublin, in *commendam* for two years from the date of these letters. *Pp.* 1½, *with sign manual and counter-signature by* Secretary Bennet. *S.P. Ireland* 315, 49.

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 183.

Same. SAME for SAME.

On August 24, we directed you to grant the Bishopric of Limerick and other things to Dr. William Fuller. The Act of Settlement provides that such proportions of lands, &c., belonging to any Archbishop, Bishop, &c., in his corporate capacity as have been granted in fee farm under any reservation of any chieferies, and by the said Act are forfeited to the Crown, are to be set out for the better support of such Archbishops, Bishops, &c., as are therein named, and amongst them Edward [late] Bishop of Limerick and his successors are to have £300 a year. You shall, as the see is a poor one, take care that these lands are at once set out to Bishop Fuller. *Pp.* 1½, *with signatures, &c., as foregoing. S.P. Ireland* 315, 50.

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 183.

Same. SECRETARY BENNET to the LORD LIEUTENANT.

The Commissioners [from Ireland] are to-morrow to answer some questions of the Committee [of the Privy Council for Ireland] and we shall then probably see what method will be followed for mending the bill. Sir George [Lane] hears all our news, so I do not repeat it. *P.* ½. *Entry. S.P. Ireland* 312, *p.* 187.

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9 Dec. MEMORANDUM by the LORD LIEUTENANT entitled "Why, after so much pains taken, so much time spent and all things desired consented to by your Majesty, the Settlement of Ireland is so little advanced, and your Majesty again troubled with it; whereas all your other Dominions are in full settlement, and why are they not laid aside that obstruct it?"

For answer to this:—

When the rebellion broke out in Ireland in 1641 the Crown had not the means of suppresssing it in the proper way; but was compelled to put the management of its repression into the hands of Parliament. The late King did this "both to have means to affect it and to avoid the suspicion of his indulgence or rather inclination to Popery, which had acquired a deeper and further spread of infamy, by the monstrous representations of cruelties exercised upon the Protestants, whereof too much was but too true."

Upon the foundation of these Acts I continued the war with varying success and concluded various peaces and cessations by such authority as I could obtain. These the Irish with great perfidy broke, "to the King's disappointment and their own ruin." Under the difficulties which they had thus made for themselves they laboured until it pleased God to dispose things towards your Majesty's restitution. At that time "an address was made to your Majesty at Brussels by Sir Arthur Forbes from Sir Charles Coote, his brother Colonel Richard Coote and others, in whom they had interest, importing an inclination, indeed a resolution, to submit to your Majesty's Government and, if you thought fit, to receive your person; and this was in the month of January, some months before your Majesty had any address out of England or was well assured that your restitution was intended in any of the changes then happening there." Your answer to this address need not be given as the Lord Chancellor no doubt has copies of it, and the Declaration of Breda and of that of 30 November, 1660, having been framed, in a measure, in order to comply with it. Apart from these engagements there was every reason why your Majesty should promise the English party in Ireland that they should, if you were restored, enjoy their possessions as adventurers or soldiers, or compensation therefor, since the whole power of the Kingdom was entirely in their hands. The army in England was then but newly disbanded—if it was even that; and the army of Scotland was on foot. "Nor was your Majesty's Government in any of your kingdoms so perfectly established but that it was high prudence not to keep so considerable a body as the English in Ireland were in apprehension of losing all they had." This apprehension was created by the indiscreet carriage of many of the Irish "at London" and in Ireland, and industriously fomented by the fanatic English in order, if possible, to prevent a firm settlement.

This narrative which, to be clear, had to be lengthy, will show how much more difficult it was for your Majesty to settle men's properties in Ireland than it is in England or Scotland. It also

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shows that the steps which were taken at each stage were needful, though to those who did not know, or who forget, the motives, they may now seem to press too hard upon you.

"First. In England and Scotland the parties as to your Majesty were but two—those that asserted and those that opposed your Government. In Ireland there were two parties contrary to each other, but both opposing your Majesty. So that upon your Majesty's restitution the settlement was easy . . . in England and Scotland. Your Majesty graciously pardoned those that had most opposed you if they sat down quietly in their estates, and those that had been constantly loyal got as easily into theirs . . . The number of them that were not by composition in possession before were few and, comparatively to the dispossessed Irish, not to be reckoned at all."

Secondly. There was not in England or Scotland any distribution of the lands of any person to any other having the countenance of an Act of Parliament. Those who had contrived or affected your Majesty's restitution had more moderation and modesty and less colour or temptation than to insist upon the keeping of any man's estate without any such countenance only because he had been constant in loyalty to the Crown. "But the lands of all that had been in the Irish rebellion were by the Act of Parliament designed to such as should adventure money for the reduction of the Irish rebels, and there is some colour that those who were in possession at your Majesty's restitution if they contributed to it or acquiesced in it should pretend to continue to be established in the lands of those that had been in rebellion, and had not, or not with success, redeemed their guilt.

Thirdly. All that is done in England and more is done here, and was as soon done here as there. Your Majesty is restored here as there to your rights and revenue. Your revenue here, as there, is increased. The church is restored here, as there, and many that had part in the rebellion have here, as there, returned to their estates, "and sure it is well if, in a subordinate Government, so far removed from your Majesty, so much perplexed with contrary parties and interests, and somewhat disturbed with the endeavours of many to raise themselves fortunes out of the common road by bounties, if it can keep pace in point of settlement with the other kingdoms that have not all these strugglings within them."

The difficulty is, then, that more was to be done in Ireland than elsewhere. If the Act of Settlement has proved insufficient and sufficient time has not been allowed to it to do its work the fault lies with many people and I am content to be, for my share, in such a company. I am also ready to take my share in remedying its defects and—what is properly my work—to ensure obedience to be given to your Majesty's determinations. But it is to be considered whether there can be any settlement except by an Act of Parliament, and then what is essential to the making of a valid Act here. The solution of the first belongs to men of another profession and even they are not unanimous about it. But it will be agreed on that an Act of Parliament will do it and will best do it, and that it

must have passage "first at the Council here, then with the Council in England, then with the two Houses here, and in the last place it is completed by the Royal assent." The first motion tending to perfection it receives here by the approval of the Council as they conceive it to be for the good of the kingdom, "and if those must be laid aside that shall not subscribe to a Bill of Settlement but such as will satisfy the Irish and those that, under colour of favouring them, do their own business with them, I believe the whole Council must be changed, and, when that is done, the two Houses of Parliament or the major part of them also."

The bill transmitted has, I daresay, many defects. My reason for transmitting it is that if I had skill and could have prevailed it should have been "more reasonable and perfect for the reputation of my own understanding and justice, how little hope soever I had that it would pass upon the return in the Houses here, if it had been more favourable to the Irish and hurtful to any considerable English interest."

Next, as the Commissioners declared that the time for restoring of innocents was passed, they could not with good conscience proceed in the further execution of their commission, and as the greater part of the settlement was left undone, I held it needful the people should know that something was in preparation to bring the work to a conclusion and to put an end to men's expectations and apprehensions, which were such as did require some satisfaction at that time.

Thirdly, I was expecting a supply of money and some men to disperse in companies, and I was not willing to hazard disorder by leaving men in absolute doubt as to whether they could or could not secure their fortunes.

I knew further that men's minds would be quieted by sending the bill, and that any defects which might be in it would be detected and remedied, while it was in England, by your Majesty and your Council—"which, if it should not, being so mended, be permitted to pass here, your Majesty is the more justified if the necessity and security of the kingdom shall direct you to another way of settlement for the present, till afterwards it may be confirmed by Act of Parliament."

Another objection I hear is that the army [here] is not secure to your Majesty and that it has not been improved since my coming into this Government.

To this it may be answered:—

First, that if the list transmitted by me on May 8 last with the notes upon it be considered, it will appear that then the army as to the officers was much changed for the better and since then some other unsafe officers have been removed and sure ones put in their places.

Secondly, that although there may still be some untrustworthy officers in the army, they are few, and not all together in any one company or companies.

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Thirdly, I held it best to "model" the army by degrees and not at once, and success has justified that decision.

Fourthly, many officers are members of Parliament, who if they were "reformed" would be exasperated to an opposition in the House of Commons of all things that should be proposed moderately in point of settlement or for the advantage of the Crown. I have reason to think that they will be restrained from such opposition by reason of their commands.

Lastly, I never thought that your Majesty desired that those who had first and cordially aimed at your Restoration, and had used their influence to promote it, should be displaced at all. Most of the officers who had at some time served against the Crown were in this class, and are thought to be dangerous by those that know it not or that are content to forget it when they would have their places for themselves or some friend, or when they think fit to manifest their abilities or malice in censuring me in the execution of my charge.

I am told that it is also suggested that the representations of danger from discontenting the English are but "chimerical fancies, produced by weakness or melancholy upon the big looks and talk of those that would threaten themselves into better conditions."

Those who think this have this advantage of me that they may be sure I shall do my utmost to prevent what they say will not happen. I wish I were as sure they would be sorry to see that fall out which I apprehend. The Irish who speak thus may have reason for it. If what shall be done in their favour brings peace they enjoy the acquisitions quietly, but, if it does not, they hope to be put into arms again and to scuffle for a better condition —as to have places of honour and profit. But I do not think my fears are frivolous, for if the number of the disbanded officers and soldiers yet remaining in this kingdom shall be cast up it will be found such as may compose a good army; and besides the towns are (and as yet must remain) inhabited by people who are as like to corrupt as to be kept in awe by such small garrisons as the army is able to furnish.

It is further objected against me that I have discountenanced the King's party, and favour those who have been constantly against him.

I expected as soon to be charged with the late King's murder as with this, and such a charge would be quite as just as this one. I can answer it shortly by saying that no instance can be found of any place given by me to any person who has not served or suffered for the Crown without the least deviation that I could hear of. If then many who have been engaged against the Crown now hold posts, it is because they worked for the King's restoration, and because I thought that to appoint them was a good way of showing that the King was ready to forgive all old faults, and anxious to unite all persons of parts in his service. If this work [the Restoration] is deemed to be so well done that the instruments of it may be laid aside, this course may be taken subject to a reproach that we are more politic than careful to keep promise.

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"I hear it discoursed that I love my ease, that I want vigour and resolution in Government and that I have a faulty unwillingness to displease anybody."

It is difficult to answer general charges like this except by general negations. I do love my ease, but never indulge in it to the detriment of the King's service, which has never suffered by it. That I want vigour or resolution in the King's service "neither requires nor deserves any other answer than that it is false." That I am unwilling to displease anybody when his satisfaction is incompatible with the King's interest is known by those who make such a charge to be false. They know it "by the disappointment of their own unfit pretensions, which in truth is the original of their dissatisfaction and calumniations."

I may have made mistakes, but do not think they have been of consequence. More might have been done and sooner, by a wiser man, but I have kept "as divided and unsettled a kingdom as is or, I think, ever was in Christendom in peace and quietness and ready to receive any reasonable form your Majesty shall think fit to give it."

My aims have been :—

1. To adhere to all the King's engagements to all parties, but strictly so that none may have the benefit of them but such as have a good original or well assigned title to them.

2. "That in the distribution of your Majesty's grace and favour to the Irish, care may be taken that the best deserving may in the first place be provided for, that the nobility and ancient and considerable gentry may be preserved unless where some notorious demerit of their own may justly exclude them" and that this may be done as promptly and with as little charge, as possible. Some have been restored at such a charge that they will have little joy of their estates, but of this I daresay the Commissioners are free.

3. That all this be done as little as possible upon trials and proofs. Such trials lead to perjury and corruption and a man cast upon such trials goes away with a moral stigma which, to say the least, aggravates his material loss.

If care be taken of the general interests, the stopping of private grants which diminish the stock for general purposes will not prevent the passage of an Act so composed ; and I am deceived if our materials will not go far to satisfy those main interests. *Original, pp.* 10½, *in* Lane's *hand. Also copy pp.* 9¾. *Both endd. S.P. Ireland* 315, 51 *and* 52.

9 Dec. Dublin Castle. The Lord Lieutenant to [Secretary Bennet].

Concerning Mr. O'Neile's matter. Asks that letters enclosed for promoting Dr. Bayly to the Bishopric of Killala and for Lords Orrery and Roscommon be presented for the King's signature, also those for Mr. Lye and for the Earl of Mountalexander, whose grant is now put in the way desired by those who have a care of his family. *P.* ⅔. *In* Lane's *hand. Signed. Add.* "For yourself." *Endd. Ibid.* 53.

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9 Dec. Dublin Castle. SIR GEORGE LANE to [SECRETARY BENNET].

I am thankful for, and rely on, your friendship, which I have never doubted. When Sir Thomas Clarges went hence, I put into his hands the copy of the proviso concerning your interest and mine, which I now again submit to you. I also send copy of my Lord Steward's [the Lord Lieutenant's] letters written to the Officers of the Greencloth [*see above p.* 304, at December 2] concerning a diet of three dishes of meat a meal allowed me by him out of his commands, for which his predecessors took more to themselves. To this I added of my own what made it a tolerable diet to which many for whom there was no room at my Lord's table resorted; and were freely admitted. I now hear that that diet will not be allowed of, and I thought fit to let you know of it and ask you to represent it so that I may not incur any prejudice by it in the future. The truth is my name is not now mentioned for any diet nor ever would have been now spoke of, if I had not unwisely put the livery of it out of the course it was first in, which was to be carried to my Lord's kitchen and there dressed, which I found inconvenient in regard of the distance from my Lord's apartment to the Stone Gallery, which made me endeavour to get it dressed nearer to me and so it became notorious; but still all was entered as by my Lord's command according to ancient custom, without any mention at all of me." I send you letters from Secretary Morrice to me. I think what he writes about the business of Ireland will concern you. I told him I understood that such business belongs to you, but he understands it otherwise, and I think you should know it. You will see why he was vexed with me. "I will say that my misfortune in the business of Hore sprang from that." *Pp.* 2. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 315, 54.

12 Dec. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

I will at the first opportunity present to the King the letter in favour of Lord Cork's corporation of Lismore.

Yesterday the Committee met upon the Irish bill and, finding the matter was intricate and perplexed, resolved to ask the King to direct the Attorney and Solicitor-General and the Commissioners to draft a new bill or to amend the old, going upon the lines of the new bill, the bill rejected last year, the heads of a bill presented by the Commissioners, and various papers sent in by the different interests, and taking as a basis the Declaration and Instructions. The King accepted this suggestion yesterday in Council and the Commissioners are to draft the bill, as the Solicitor-General said that his part and the Attorney's would be rather to criticise than to frame a bill.

I think people have been over-officious in taking exceptions to you here.

The King is informed that—[*a passage in cypher follows*]. I shall let you know whatever further comes to my knowledge. *Pp.* 1½. *Entry. S.P. Ireland* 312, *pp.* 188 *and* 189.

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15 Dec. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

Sends a letter from the King. *P.* ½. *Entry. S.P. Ireland* 312, *p.* 188*a*.

15 Dec. Drury Lane. The EARL OF ANGLESEY to SECRETARY BENNET.

I sought you in vain yesterday and have written this, lest Sir Henry O'Neale should suffer by delay, to assure you that the letter prepared in his behalf for the King's signature is what is fit to pass and directed by the King. You must get the direction for empowering the Lord Lieutenant and Council of Ireland to farm the inland Excise and ale licences for any term not exceeding seven years to pass the King's signature. The authority should be hastened into Ireland, for the term is expiring at Christmas, and the King will suffer damage unless this be done which was long since agreed at Council and is earnestly called for from Ireland. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 315, 55.

17 Dec. Whitehall. The KING to the LORD LIEUTENANT for THOMAS BAYLY, D.D.

Directing that he be promoted to the sees of Killala and Achonry, which are vacant owing to the death of Bishop Henry Hall. He is to have the temporalities, but not the *quarta pars episcopalis* enjoyed by former Bishops, which shall be restored to the several incumbents, if necessary, by grants by letters patents given by you. He is to have the mesne profits which accrued since the death of Bishop Hall. Owing to the exility of the sees the Lord Lieutenant is to grant Dr. Bayly a suitable *commendam*. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 19 *and* 19*d*.

Also note of same. *S.P. Ireland* 312, *p.* 189*a*.

Same. The KING to the LORD LIEUTENANT for SIR HENRY O'NEALE.

Directing that he be immediately given a *custodium* of the lands in co. Dublin, to the value of £1,000 a year, which are intended for a reprisal to Lord Massereene, and that he shall have these lands till he is restored to the estate which Lord Massereene still withholds from him. If these lands are restored to the old proprietors Sir Henry shall have lands of similar value in co. Dublin, or failing that, elsewhere. *P.* ½. *S.P. Dom. Signet Office VI. p.* 14.

Also note of same. *Three lines. S.P. Ireland* 312, *p.* 189*a*.

Same. SAME to SAME for ROBERT LYE.

The lands of Hugh O'Connor, late of Ballintebber [Ballintober], co. Roscommon, are in our hands. We direct you to grant them to Robert Lye in reward for his services done abroad and in

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Ireland in our cause during our late exile. You shall reserve a fit rent. Favourable clauses. *P.* ½. *S.P. Dom. Signet Office VI. p.* 13*d.*

Also note of same. *Two lines. S.P. Ireland* 312, *p.* 189*a.*

17 Dec Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for the EARLS OF ROSCOMMON and ORRERY.

We direct that all arrears due to the Earls for service in Ireland before 5 June, 1649, or which have been or shall be purchased by them, be satisfied out of such houses, lands, tenements, and hereditaments within the city of Limerick, or liberties thereof as shall by them be made choice of, and are or shall be set apart for the satisfaction of arrears so due to the commissioned officers, accordingly as by our former letters bearing date 2 December, 1661, we have appointed the same to be set out to them [and?] according to the valuation and rules given by us for setting the rest of the said security. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 25*d.*

Also note of same. *S.P. Ireland* 312, *p.* 189*a.*

18 Dec. Whitehall. SAME to the LORD LIEUTENANT for JAMES RUSSELL and others.

Directing that, in pursuance of the proviso in the Act of Settlement for restoring innocent Papists, James Russell, Maurice Roche, John O'Connell, Maurice Bowdran, John O'Cahir and Elizabeth, his wife, be restored to the lands and houses in the corporation of the town and liberties of Lismore, which they or their predecessors in title possessed on 22 October, 1641. *P.* ½. *Ibid. p.* 14.

Same. The KING to the [LORD LIEUTENANT] for the EARL OF MOUNTALEXANDER.

By letters dated 1662, we granted to Hugh, Earl of Mountalexander, lately deceased, the manor, castle, town, &c., of St. Wolston's, or Allenscourt, co. Kildare, and several other manors, &c., in the cos. Kildare and Dublin. The Act of Settlement provided that in case any of those manors, &c., should turn out to be forfeited, our Commissioners for carrying out the Act should deliver them to Hugh, Earl of Mountalexander with a right to reprisal in case of such lands being restored to any innocent person. James Allen, son to Nicholas Allen, who was brother to Sir Thomas Allen, of St. Wolston's, deceased, has lately claimed all these manors and lands before the Commissioners of Settlement and has been found innocent and restorable by them, and the late Earl of Mount-

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alexander, was thereby disappointed of his whole grant, and received no fruit of our favour intended him. The Act of Settlement excepts from the benefits of restoration all those who endeavour to disturb the public peace or manifest a hostility to our Restoration ; and the estates allotted to such persons may be taken away and disposed of by us as we think fit. We think fit, for the recompense of the present Earl of Mountalexander and the late Earl's other children that you set out to the Earls of Arran and Drogheda, so much of such lands as are equivalent to those which the late Earl of Mountalexander lost, in trust—as to the whole estate—for payment for the first six years of the portion of Lady Jane Montgomery given her by her father in his last will, and for such increase as the Earl of Drogheda thinks fit. They shall further hold these lands in trust for the present Earl of Mountalexander for six years. After the six years have expired the trustees shall hold one-fourth of the lands in trust to apply so much of the same as Richard Jones, son and heir apparent to Viscount Ranelagh, may direct to the benefit of Lady Catherine Montgomery, one of the younger children of the said late Earl of Mountalexander, and for such other child or children as the said now Countess Dowager of Mountalexander now "goeth withal," and the survivor of them. The trustees shall hold the other three-fourths of the estate in trust to and for Hugh now Earl of Mountalexander and his heirs, or, failing such, for the heirs of the late Earl. In case Lady Catherine Montgomery and the child or children wherewith the Dowager Countess of Mountalexander "now goeth withal" die within the period of six years, the trustees shall stand seized of the property in trust for the heirs male of the late Earl, with remainder to his "right heirs." They shall pay rents to the Crown for the property at the Adventurers' and soldiers' rates of rent in the provinces where the lands shall happen to be. The lands to be held in free and common socage. *Favourable clauses.* *Pp.* 4. *S.P. Dom. Signet Office VI. pp.* 34, 34*d*, 35, 35*d*, *and* 36.

Also note of same. *S.P. Ireland* 312, *p.* 189*a*.

18 Dec. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

Colonel Richard Grace has served the King and King Charles I. well at home and abroad. At his request I send you the petition of a Mr. Ayres, who voluntarily surrendered his estate in possession to Colonel Grace at the first signification of the King's pleasure in that behalf. You may present the petition to the King if you think well, with such a letter as he thinks necessary for his security in the lands set forth to him by the late Lords Justices in reprisal for Colonel Grace's estate. *P.* ¾. *Signed. Add. Endd. S.P. Ireland* 315, 56.

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18 Dec. NOTE of [the KING to the LORD LIEUTENANT].

For restoration of houses and lands to innocent Papists. *Entry. Two lines. S.P. Ireland* 312, *p.* 190.

[About same.] SAME.

For making good to Mr. Howston a forfeited estate formerly granted to his father. *Two lines. Undated. Ibid. p.* 189.

19 Dec. Whitehall. SECRETARY BENNET to SIR GEORGE LANE.

I have your letter in which you ask for my help in getting you the equal value of Hore's estate and also in clearing the difficulties upon you from the [Board of] Greencloth. With the latter my Lord Steward's letter is more prevalent than mine, since I never had the opportunity of trying their benevolence. I shall, however, inquire after your concerns with them and do the best I can. I have again moved the King in the former point, but received no satisfactory answer from him. I will try still to help you, but you know a word from the Lord Lieutenant is worth a hundred from me. Your recommendation of Robin Lye has caused the King to sign his warrant; and I am obliged to you for it. As to the business of Ireland passing through my office, you may assure Mr. Secretary Morice that it brings me little profit. *Pp.* 2. *Entry. Ibid. pp.* 190-192.

[About same.] [The SAME] to COLONEL TRESWELL.

I would of course have been glad to have helped you in regard to your pretension to 2,000 acres of profitable land in Ireland even if I had not your letter and the Lord Lieutenant's. Unfortunately I did not succeed even by means of all these in getting your letters signed, as the King has decided not to do anything more of that nature till he sees whether the stock of reprisals will be sufficient for those to whom he is solemnly engaged. When the King is free to do these good turns I will move him on your behalf. *P.* 1. *Entry. Ibid. pp.* 192-3.

22 Dec. Whitehall. The KING to the LORD LIEUTENANT concerning the Excise of Ale and Beer.

Directing that the inland Excise of ale and beer in Ireland be set to farm, as also the granting licences for selling ale and beer within the kingdom, for six years from next Christmas at such rent and covenants as shall be best for the King's service. *P.* ½. *S.P. Dom. Signet Office VI. p.* 16.

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ENTRY OF PETITION.

Peter Harvey shows that he has "principally out of a zeal to improve your Majesty's revenue in that kingdom" entered upon the hazard of the farm of the Customs and foreign Excise there at a rate higher by several thousand pounds than the Commissioners gave it in to be worth. The Excise of beer and ale within the kingdom is now going to be farmed. He prays, on this ground, for preference for the farm now to be had, provided he offers as good terms as anyone else.

22 Dec. Whitehall. The King directs reference to the Lord Lieutenant with favourable recommendation. *Pp.* 1½. *S.P. Dom. Entry Books XIII. pp.* 385-6.

Same. SECRETARY BENNET to the LORD LIEUTENANT.

Lord Anglesey asks me to send you an order of Council for the farming of the Inland Excise. I do not think any such order was made, and know very well that whenever those farms have been mentioned the King has bade me to refer them to your Grace. If anything more be requisite I shall, on hearing from you, send it over.

"This evening His Majesty hath at my Lord Chancellor's house recommended to the judges his commission of Oyer and Terminer to go presently down into the North, and enjoined them to proceed with severity upon it and 'tis no more than what the Government needs."

My Lord of Tiveot [Teviot] went away yesterday to Tangier and Sir Richard Fanshaw will be ready to go for Spain with the fleet by the middle of next month.

My Lord Chancellor being recovered, and most of his troublesome business over, will, I suppose, press very earnestly the matter of the Irish Bill. I hear the Commissioners have taken great trouble on it and cannot think that they have any motive for partiality.

"My Lord Holles hath not yet had his formal audience in France. That Court insists upon his making a public entry, and having the Princes of the Blood their coaches precede his, and, to justify this, appeals to antiquity and tradition. We deny that precedence and with the same confidence apply to antiquity and tradition to justify us therein." *Pp.* 1½. *Entry. S.P. Ireland* 312, *pp.* 194-5.

23 Dec. Whitehall. The KING to the LORD LIEUTENANT for CHARLES, VISCOUNT FITZHARDING.

On October 10 last we directed that lands to the value of £2,000 a year should be set out to Viscount Fitzharding out of the lands set out by the late usurpers for English arrears, or out of other lands there. Lord Fitzharding was, until such lands could be definitely set out to him, to receive a pension of £2,000 a year out of the mesne profits payable to the Crown out of the premises so

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set out for English arrears. We are informed that the lands on which this £2,000 is charged may be too heavily charged to meet it; and our letters do not warrant the setting out of other lands to meet that deficiency. To meet that case we now direct that you pass a grant under the Great Seal to Lord Fitzharding of so much land—of that set out as aforesaid, for English arrears and of other forfeited land in Ireland—as shall be of the nett value of £2,000 a year. This shall be passed before any part of these lands is allotted to any other. The rent prescribed for adventurers and soldiers in the Act of Settlement shall be reserved. He shall be reprised for any lands which shall be taken away from him by any legal process before he be dispossessed thereof. *Pp.* 3. *S.P. Dom. Signet Office VI. pp.* 14*d*, 15 *and* 15*d*.

Also note of same. *S.P. Ireland* 312, *p.* 183.

Also draft of same. *Pp.* 2¾. *Endd. S.P. Ireland* 315, 57.

23 Dec. Court at Whitehall. COPY of ORDER in COUNCIL.

Present:—The King.
The Lord Privy Seal.
The Dukes of Buckingham and Albemarle.
The Marquis of Dorchester.
The Lord Great Chamberlain.
The Earls of Anglesey and Lauderdale.
Lords Berkeley and Ashley.
Mr. Treasurer.
Mr. Secretaries Morice and Bennet and Sir Edward Nicholas.

Directing that the Lord Lieutenant and Council immediately set to farm all the inland Excise of ale and beer in Ireland and likewise the granting of licences for selling ale and beer for and during the term of six years from Christmas next. Warrant to be prepared accordingly. *P.* ½. *Signed by* John Nicholas. *Endd. S.P. Ireland* 315, 58.

26 Dec. Whitehall. SECRETARY BENNET to the LORD LIEUTENANT.

I now send you a warrant enabling you to let the farm of the inland Excise of beer and ale in Ireland. If it is not sufficient it will be rectified upon your giving notice of what is needed. In the meantime the bargain may go on.

They say the Commissioners have finished their amendments to the bill, and given them to the Lord Chancellor, who, I suppose, confers with the King's learned Counsel as to anything that shall be amiss in it. I think this should be finished in the holidays.

The Duchess [of York] has been ill for 203 days and has some "heats" upon her face which one physican calls the "mezells" and another the small pox. None of them think her in danger, but as

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the illness is, in any case, infectious the King has commanded the Duke to abstain from seeing her. *P.* 1. *Entry. S.P. Ireland* 312, *p.* 196.

26 Dec. Dublin. THOMAS PAGE to [JOSEPH WILLIAMSON?].

You have obliged me and refreshed a good old gentleman by yours of 5 December, which I got on December 22. The concern of Sir John Stevens and myself is checked there and was returned to us by Sir Nicholas Armorer as not in a posture to be transmitted. That grant is looked upon as larger than it is; and cannot prove beneficial in my days though obtained in the greatest latitude. It should have come recommended by you. We count on your help in the future. *P.* ⅔. (*Hol.*). *Add.* "For yrself." *S.P. Ireland* 315, 59.

28 Dec. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

Mr. Churchill, who brought me your letter, takes this acknowledgement to you. I do not now answer these letters of yours which are on my hands but may say "that the first inclinations I had to wish Mr. Shapcot might be gently proceeded with came from some letters Mr. Churchill showed me from his friends and the King's good subjects in the West," where his moderation and loyalty were best known. He is now like to take his chance at the King's Bench bar unless I receive order to the contrary. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 60.

29 Dec. Dublin. The LORD LIEUTENANT to the KING.

"Your Majesty's of the 15th brought me a confirmation of what I was before in no doubt of; and yet it was far from being unnecessary, since nothing supports a servant in the difficulties and thwartings he meets with in the honest discharge of his duty so much as an assurance that his endeavours are believed to be faithful and accordingly accepted by his Master; and it is natural enough to love to be told we are happy though we knew it before. My confidence that I was thus understood and happy hath given much encouragement and freedom to those representations and advices which, though directed to my Lord Chancellor and Mr. Secretary Bennet, were intended for your Majesty's confirmation and submitted to your correction. From my letters to them, and from those I have presumed to direct immediately to yourself, may be collected whatever occurred to me relating to the settlement of this kingdom, and though in that long paper of mine (which your Majesty says you have vouchsafed to read) [1] I have minded you of the great and evident difference betwixt the present state and

(1) *above pp.* 310-314.

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composure of this and your other kingdoms, yet I know your Majesty considers that from this kingdom and from the settlement or disorder of it will probably arise danger or security to the other," and will endeavour to prevent or be ready for such disorder, taking steps for prevention and repression at the same time. Discontent here is likely to arise chiefly from the method of dealing with the adverse claims of your English and Irish subjects to lands "though something of religion, and zeal to that, may be brought in to increase and cement parties." This settlement by the distribution of lands must either be by a supplemental Act of Parliament or by virtue of the power left by that Act in your hands or reverted to you by the incompetency of the Act designed for a settlement. If an Act of Parliament for settling the disputed claims can be passed here it will not, if fairly executed, meet with any dangerous opposition; "but if such an Act shall not pass and that your Majesty shall be necessitated by Commission, or by any other way than by Act of Parliament, to determine men's interests, it will then be necessary that timely and sufficient provision be made against the opposition which may be given to such a settlement, after it shall have been in the matter of it rejected by the Parliament and whilst the legality of it remains doubtful." I can say nothing regarding the possibility that a supplemental bill will pass till I know the scope of it; and I know of that at present only by private letters. "It is said your Majesty declares great dislike of it and that after the correcting it hath been waved [?] by the Commissioners and your Majesty's learned Counsel, you have charged yourself with bringing in materials for it. The intelligence goes that the materials are to make a new bill, but that must be a mistake, since your Majesty cannot but be informed a new bill cannot take a beginning there." I cannot, if I would, go about to justify the bill sent hence because though in general it stands condemned, I have never heard the particular reasons inducing the condemnation. But I can say, and make it appear, that if the foundation and manner of restoring the old proprietors laid and prescribed by that bill hath any iniquity in them, I was misled into my consent by the three Commissioners now attending there. Whatever shall become of that bill (which I say I can make no judgment of till I know what alterations it will receive there) it is my duty to inform your Majesty that the army here is reduced to the number of horse and foot expressed in the enclosed note, "which is not enough to reduce any one of several places if it should revolt and be so manned and fortified as (before the army could be drawn together and brought before it) it might be; that in such case most, if not all, the other places would be left wholly ungarrisoned, ready to take in what party the inhabitants should think fit, or to be taken in by the first comers, and that though your army is thus reduced in number (as it hath also been in proportion of pay to common soldiers horse and foot) yet your Majesty's certain and casual revenue comes short by about £20,000 a year of paying the civil and military list, not accounting the charge incident to make a train and army march to, answer which there is nothing in

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prospect but £30,000 of the £56,000 sent over by your Majesty's command." By saying these things I do not wish to intimate that you should consent to unreasonable things or comply with exorbitant expectations, but that you may so proceed that when you have once settled the matter you may not have to move it again. As then the force on foot is too weak, steps must of necessity be taken to raise and provide for more men. This must be done either from England or here. "I presume to say that here the support of such an addition to the army as may secure a full obedience to rules of settlement otherwise than by Parliament can be no otherwise expected than either by Act of Parliament or by assessments without an Act. By Act of Parliament it is not like to be if the Act that shall be offered for settlement shall not pass. It then remains only without a law to impose that upon this people which is necessary to keep them in obedience, but ere that can be done and, indeed, before it can be suspected to be in design, at least two regiments of foot and one of horse should be landed here. I advise not this way nor take upon me to judge what construction and inference may be made of the precedent elsewhere, but I make no scruple of professing that, having your Majesty's command first I will do my part towards the execution." I should like the amendments intended for the bill to be sent me before they are inserted, in order that I may be able to judge whether they are likely to pass or not. I should not ask this but that I feel I shall be able to give an accurate opinion, and that it will be of use for your service.

There is no oath pressed upon Roman Catholics; but whenever it is so pressed it will rather discover than make enemies. They and the fanatics have lately taken the liberty to meet in numbers greater than ought to be connived at; but I have thought it not wise to exercise the uttermost severity of the law against them whilst they and many that are the one or the other are in so great a state of uncertainty as to their temporal concerns. Moreover it is found that "when the law is let loose upon them the avarice and knavery of inferior officers, civil and ecclesiastical, abuse their function for gain to the great oppression of the poorer sort, and without much fruit in regard to reformation."

What I have offered to your Majesty's consideration for reinforcing the army I pray may be as much a secret as may stand with doing it—if you shall think fit to do it. God preserve and direct your Majesty. *Pp.* 3¾. (*Hol.*). *Endd. S.P. Ireland* 315, 61.

Copy of Petition of Sir Faithful Fortescue to the King, showing that:—

In February, 1662, the Lords Justices in consideration of £1,300 due to petitioner by patent as constable of Knockfergus Castle, granted him the estate of one Thomas Burnet, in the co. Monaghan. Burnet was slain in Charles I.'s service and had also served against him. He was married to petitioner's daughter. The usurpers disposed of his estate to persons as rebellious as themselves, and these still possess it. Petitioner thinks that the King does not wish

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that an estate should be, under such circumstances, forfeited to a disloyal person, and prays for a support of the King's grant of the estate by means of a letter written to the Lord Lieutenant. He is "one of the very few, or none, of Ireland" (of his profession and quality) who has not enjoyed any of the King's bounties. He has not got any one of the 30 troops designed for Ireland, though his claim should surely have been preferred to those men who had either served against the King or had never been soldiers at all. He cannot secure any of the land set out in Ireland for payment of arrears, because he served in England during the war. He asks no payment for doing his duty, but prays for some mark of the King's favour as such has been given to others as little deserving as himself; and asks for Burnet's land or the equivalent thereof. *P.* ¾. *Underwitten with*—

Order, dated at Court at Whitehall, December 30, referring the petition to the Lord Lieutenant and directing him to give the petitioner just satisfaction. *Endd. S.P. Ireland* 315, 62.

30 Dec. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

I send a letter for the King's signature for Lord Kingston which I desire you to return as soon as you can, for besides satisfying him it gives him a settlement which has been long kept from him notwithstanding his ready obedience to the King's commands. These made him restore the greater part of his lands to the ancient proprietors which others (adhering to the letter of the Declaration) refused to do till ejected by decree. Moreover, Lord Kingston is giving up valuable custodiums to which he is, by some of the letters, under which he holds them, entitled to adhere until he gets lands equal in value to the estate which he has surrendered. And has been content to accept the value of £2,500 a year in reprisal of £3,500 a year. Lord Kingston's custodiums will presently be valued, and the surplusage, which some say is great, will lapse to the Crown, whilst his acceptance of a reduced reprisal will enlarge the stock of reprisal for others, and make room for the restoration of nominees upon the Act now under consideration. Moreover, his example may prompt others to behave like him. I may also notice that the letter leaves his title as adventurer, soldier, transplanted or transplantable person, or assignee to the lands he has in any way parted from, to the adjudication of the Commissioners according to the Act, with directions to defalk reprisals where such title may not be good. *P.* ¾. *Signed. Add. Endd. Ibid.* 63.

30 Dec. Note of the King to the Lord Lieutenant.

Approving the Lord Lieutenant's contract with "Earl" Caulfield concerning the Castle of Charlemont. *Three lines. S.P. Ireland* 312, *p.* 188*a*.

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31 Dec. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I am glad to have assurances of your friendship and to know that the hints I have from friends at Court as to your not being satisfied with me are without foundation. I have never had a thought of disrespect towards you and begged Colonel Churchill—who went hence yesterday—to tell you so. I beg you to forward the matter of my letter as the Lord Lieutenant asks in his own hand in the enclosed. I shall readily obey your commands in the matter of Mr. Lye, having already obtained my Lord's hand to the warrant for his particulars, which shall be at once put into his agent's hands to be "exquted" [?].

I enclose a letter for the King by the Lord Lieutenant's command and wish you a Happy New Year. *Pp.* 2½. (*Hol.*). *A polite letter. Add.* "For yourself." *Endd. S.P. Ireland* 315, 64. *Enclosing—*

The Lord Lieutenant to Secretary Bennet.

The last packet brought me yours of 1, 8, 12 *and* 15 *December, and that of the first acknowledges mine of* 11, 16, 18 *and* 25 *November. To all of these I had received particular answers except to that one of the* 21*st*,[1] *wherein I asked what bills, and what clauses in them, the King thinks derogatory to his prerogative. I desire this both for the reasons already expressed as because I see that His Majesty's declaration hath been much noticed by various people.*

Bathurst has been directed to make his application as ordered if he think fit. The persons still imprisoned on account of the late plot shall be proceeded against as the Crown is able to make evidence against them. Colonel Garret Moore will be informed that Granger may now safely appear and his papers will now be looked into, though I expect little from them.

I have, in view of your letters as to Mr. Churchill, allowed him to go, but I hope I may have your warrant in form for it, with a date precedent to his going.

"I have asked His Majesty's pardon for giving him the trouble of reading that long paper you mention. Some of the objections answered by it I am well enough assured have been too boldly made, and for others I hope my labour is all I have by answering them."

I have taken steps to find out about the matter which you mentioned in cypher. "There is now a warm report raised of a design the Irish should have to rise and destroy the English, which report was a forerunner of the late plot." Lest this should be a prelude to another, I have sent orders to the troops and companies to be upon their best guard.

P.S. (*Hol.*).—*I recommend George Lane's pretention. He attributes to his ill-luck at Court the fact that he has not benefited by the King's intentions towards him. Pp.* 2. *The main portion in Sir George Lane's hand. Signed. Add.* "*For yourself.*" *Endd. Ibid.* 64, 1.

(1) *See above p.* 297.

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Dec. DRAFT of the KING to the LORD LIEUTENANT, the TREASURERS of ADVENTURERS' MONEYS and KEEPERS of the GREAT SEAL, for SECRETARY BENNET.

Directing that, in recognition of his services, £ be paid to him out of the first moneys which shall come in from the adventurers and soldiers under the Act of Settlement. *Pp.* 2¾. *Dated* the day of December, 1668. *Endd. S.P. Ireland* 315, 65.

ADDENDA, 1663.

[About 30 Dec.] DRAFT of the KING to the LORD LIEUTENANT for LORD CAULFIELD.

The castle and fort of Charlemont which is the inheritance of William Lord Caulfield is so "advantageously seated and fortified as that it will much conduce to the safety of that our kingdom that the said castle and fort with all the fortifications and accommodations thereunto belonging" be in us our heirs and successors. We hear that you have made a treaty with Lord Caulfield for purchase of the fort for our use for £3,500, subject to our approval. We agree to this price and direct you to pay it. *Pp.* 1¼. *Dated* the day of in the fifteenth year of our reign. *Endd. S.P. Ireland* 315, 66.

PETITION to the KING of EVAN VAUGHAN, postmaster of Ireland, showing that:—

The King lately referred petitioner's complaint in regard to the postmastership of Ireland to the Duke of Ormond, recognising that petitioner had had a grant of the post from Charles I. The Duke was directed to give petitioner just relief.

The general postage being set to farm under the management of Colonel Henry Bishop, the King's Postmaster-General, and Bishop having put someone else into his place, the Duke did not feel authorised to restore petitioner and advised him to make further address to the King.

Colonel Bishop is now ready to give up the place to petitioner upon receiving orders to that effect from the King.

Petitioner therefore prays that the King will take the annexed[1] paper into his consideration and to order that petitioner be

[1] Possibly the affidavit of William Brand, for which *see Cal. of S.P. Ireland*, 1660-62, *p.* 682-4.

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restored to his post for some term of years upon reasonable conditions. Petitioner is well versed in the management of this office. *P.* ½. *Signed. Endd. S.P. Ireland* 315, 67.

PRINT of FRENCH PAMPHLET entitled "HARANGUE [1] of His Grace the DUKE OF ORMOND, VICEROY of IRELAND, pronounced to Parliament, the two Houses being assembled, on the occasion of his Grace giving the Royal assent to several ACTS OF PARLIAMENT." Translated by J. D.

Notice to the Reader :—

This harangue which is here presented to you is a piece complete in all its parts. Its thoughts are everywhere sound [*solides*] and well chosen. Their order is as fair as may be, their expression rich and gracious. It has seemed to me so beautiful and so worthy of being communicated to France, that I should have deemed myself to have done her a wrong and to be wanting in [repayment of] the debt which I owe her by her having taught me her tongue, had I not endeavoured to make that speech intelligible to her. But I must confess to you, dear Reader, that what care soever I have given to this version, it does not approach to the purity, the grace and the power of the original, which could never be imitated save by the illustrious hand from which it emanated. Remember then that you have seen a but copy, and that copy all imperfect, which hath in very truth the whole form [*tout le Dessein*] of the original, but neither the delicacy of its features nor the brightness of its colour.

Translation :—

My Lords and gentlemen,

Of all the duties which pertain to the office in which I have the honour to serve the King there is none wherein I act with less inclination and less confidence than in this one—the duty of speaking to such an assembly as this ; and before I have finished you will admit that I have reason not to be greatly satisfied with the duty of making speeches, which custom has laid upon all those who take the place which I now occupy—a custom created to no ill purpose for those who performed the duty well or who, at least, think that they do it well; but which has been in a measure troublesome by its endurance for those who know that they performed it badly. At the same time, although I belong to the latter class, I prefer yielding to the necessity in which I am placed to being taken for a man who does not accommodate himself to his surroundings and affects peculiarity. Moreover I know not but what, if the circumstances of this time and place be considered, I should not fall into greater error by silence than, as I hope, by speech. For an infallible authority teaches us that it is our necessary duty—and this is conformable alike to the rules [*sentiments*] of nature and reason

(1) Possibly the "gracious and elegant" speech referred to in the *Lords Journals* (Ireland) for 27 September, 1662, *q.v.*

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and to those of religion and piety—that for all the blessings which we receive from God, we must render unto His Majesty thanks in proportion to those blessings so far as we can. It is therefore right that general blessings which fall upon a whole nation should be commemorated by general solemn thanksgivings. This consideration is the cause of the general thanksgivings which take place with all solemnity each year for the restoration of the King. And if we perform these public and solemn acts of gratitude as we should, that is with sincere hearts, they will help more than all other things, to perpetuate for us and our children the happiness which is granted us by those blessings which are their occasion.

In order that we may best understand and realize what that happiness is and may be, if we do not ourselves place obstacles in the way of it, we should retrace our steps and reflect on the state of past affairs twenty years ago and more, and compare with those unhappy memories the happy calm of to-day. If the recital of the miseries and desolation of those years could be made in the time which I shall occupy in this speech, or if so poor an orator as I were able to present a life-like picture of them, then they must be fewer in number and more bearable than the sad experience of many has shown them to be. I shall therefore only recall to you some of our most noteworthy Deliverances and restorations which are the basis and foundation of our happiness, and which God himself hath given us by the most marvellous results of his Providence. This recital will be a testimony of our thankfulness which I think it right should be the subject dealt with in the first speech uttered from this place in which I have the honour to represent, however weakly and unworthily, the *Majesty* of my *Great Master*.

Our address[1] is not to that august seat of Royalty, which has been drawn out from some corner where it had been long neglected or from the vile usage to which it had been put; or to a throne which has not been freed from a profanation worse than these, I mean the usurpation of those little men who had had the hardihood to aspire to it, and who, without the smallest pretensions of right thereto, had no other way of attaining it than by destroying and trampling under foot all things which had been ordained by the will of God or the authority of man for its defence and protection; for the extravagance of their ambition had so transported them and blinded their views that they could not see for how short a time they should keep possession of that Throne to the disarming and violation of which they had themselves made clear the road by a very recent example.

But now we see that Throne once more in its rightful place and used for its natural object. We see it surrounded with peers, prelates, officers, judges and magistrates, which are the outward sign and bulwark as well as the ornament of majesty.

We see it as before open to the approach and, I assure myself, to the movements of satisfaction and joy of the least considerable of

(1) The French is very obscure here; and a literal translation of this paragraph is impracticable.

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the common people whom you, gentlemen, represent; and whom you should not disdain to represent. For it is on these commons, as on a foundation, that monarchy is built up. They are the strength that protects it and they are the treasure house from which it draws its substance, wealth and splendour.

This Royal Throne is returned to its legitimate and undoubted heir. That scion of a long and unbroken line of Princes in whom are merged all the rival rights of former ages, without their being a single pretender who even dare make a claim to it; and in whom are united also all the virtues of those centuries without either the austerity (to say no worse) of some who have been great and warlike or the not less harmful weaknesses of others whose inclination hath turned more to devotion and to peace—a Prince who has often given evidence that, much as he loves and seeks peace for the good and profit of his subjects yet, for himself, he has no fear of war.

That sword, the weapon which is used to give military honour, and which is an emblem of the pains and penalties inflicted upon the guilty, is no longer used for the farces and foolish stage plays of recent times.[1] It is no longer used, as it has [lately been] to kill the most innocent and to support the greatest criminals, the most cruel and wicked purposes for which it could serve.

God has now, in our presence, visibly and immediately returned it to the hand of him who alone has this commission to hold and wield it. We pray God that he may long bear that sword; and that he may do so, let us pray that he bear it not in vain, but that it be for a fear and destruction to evil doers and a support and safeguard to those who do good.

The King himself to whom this Throne and Sword belong and we also, on his account, owe many great deliverances to God's goodness. He is delivered from the murderous hands of those who slew the King his father and usurped his inheritance, and from their ceaseless efforts to destroy his body and to soil his reputation by their public violence, and their secret plots against the one and the other. He is delivered from exile and from all the results which follow from a condition so unhappy for a King. He is delivered from the dire need of seeking refuge here and there, from the cold receptions with which he met, from the meagre help which he obtained and from the pains of having to beg for such help. By a King who is born to help others and who would rather give than receive, these pains were such that they could be less easily borne than the lack of that support for which he asked. He is delivered from those ceaseless and gnawing anxieties which oppressed him for the safety of his friends and for the slavery and tyranny under which his realms were groaning. He is escaped from the importunity of certain insolent arguments, drawn from his ill fortune, which were addressed to him to debauch his Religion, and from the

(1) An interesting comment on Cromwell's vigorous foreign policy.

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necessity of suffering under the taunts and scorn which were hurled against our Church—in those days [called] the "Desolate" one—for this reason only that she was deserted and had been reduced to that pitiful state by her own unnatural children.

From that humiliation and from that despair—for so it seemed to all men—behold him now raised once more to the throne of his Fathers and restored to his country which is the more dear to him in that he knows what other countries are. He enjoys without opposition the free exercise of the religion in which he has been educated. He sees himself able to requite all those acts of affection and loyalty which were done for him either in his own States or in foreign countries, and that which gives him the greatest happiness which so virtuous (*bon*) a sovereign could ever desire, he is not only restored to the affection of his people, but is restored by that affection and without the aid of foreigners. This aid is not only costly but dangerous, because those who give it, when once they are made the arbiters of disputes of this kind, are interested in making no proper distinction between those whom they help and those whom they come to enslave. They rarely furnish blood and treasure for the sake of generosity and of justice. Such motives rarely prompt assistance of this kind unless it be in the world of romance.

One may here say that if the revolt and enmity of our nations against their King was so unreasoning and so enormous as no century hath ever seen its equal, so their free and voluntary return to the King and Royalty, without any sort of coercion, is a resolution almost without example. Indeed, if the revolt had been less enormous the return would have been less miraculous. It is also worthy of note that as the bloodiest conflicts which made the rebellion took place in this country [Ireland] this is also the country in which the first movement for peace and submission arose. It is by the favour and redemption of God and by his re-establishment that our Church finds herself no longer despised, desecrated and deserted, that she is restored to that reverence which is her due, to suitable privileges which continually increase for her support and in a fair prospect of prosperity and good order. Our laws are no longer subjected to corrupt and incompetent interpreters nor to monstrous and unnatural exhibitions,[1] but their administration committed to just and learned judges called and empowered by a lawful oath to perform the functions of their office.

The most loyal and generous deeds will no longer be condemned to that punishment which is due only to the most cowardly treasons, and to those unjust judges themselves who decreed them, though neither had they authority to pronounce them, nor was there any justice in their decrees. The High Court of Justice will

(1) ossibly a reference to the execution of Charles I.

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no longer usurp its name, and our courts will no longer be thronged and crowded by the mob, and by the weight of the wrongs of those who should never have appeared there but in chains and bondage. It is a blessed change for those against whom these tribunals were set up, and all men now find security in them. For it hath ever been observed that it is one of the methods of God's justice to make cruelty and oppression fall into the snares which they have spread for others.

All conditions of men find themselves freed from the deceits of those ambiguous oaths which lead, as it were, in two directions, and from the strife which they placed in the minds of men between honour and interest, between sacrifice of a good conscience and ruin of their fortunes. This is the most cruel and oppressive struggle into which men can be thrown who profess to be Christians. For the choice was not thus propounded "take such an oath contrary to your conscience; otherwise you will have no employment in the state, no office in the army, no benefice in the church." But—"take such an oath, contrary to your conscience otherwise you will have neither roof to shelter you nor bread for your subsistence or for that of your wives or children."

To conclude—who is there who is not delivered from some tyranny, and who has not received some gain? Even those who will be deprived of the pay of their wickedness—I mean of possessions unjustly acquired—will be saved from the oppressions of the bad conscience. If they have any conscience, they will gain a good one. If they have none they have not been in the King's thoughts; and I hope they will not be in yours.

Those too have their deliverance who will be prevented from getting back the heritages of their fathers for want of the proper qualifications and by the act of God, who disposeth all these events and hath not thought right to make them active in this happy revolution, and to make them His instruments therein. They also gain their freedom. They are freed from tyrannous restrictions, from unjust imprisonments and continuous fear of death to which they were ever exposed. Happy peace is before them; they may exercise their trade and may enjoy the freedom of subjects and the protection of the laws. Papists, if oppressd, may appeal to the Laws. If the blood of the least conspicuous of them has been spilt, the law will hold a strict inquiry therein. Even those who have lost most have gained something by the restoration of the King.

As we have thus to commemorate with actions of gratitude the great things which have been done for us; it is also our duty to try, each of us in his different station, to make them of value and profitable and to assure ourselves and our posterity of them. And certainly the best way to do this is to remember the errors which have hurled us into that abyss of misery from which we have been delivered. There have been those who have assigned the calamities from which the Nation has long suffered to various causes. Such judgments are rarely correct because the judges themselves are at

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fault. But I may say that one of the chief causes was that a false picture of the late King was presented to the people. At least I am certain that the liberty, peace, abundance and happiness which they were promised when they should no longer possess that great and virtuous [*excellent*] Prince have in the end appeared to be but unhappy and disastrous delusions.

Let us suspect all those who shall use the same artifices lest they enfold us in the same calamities; and let us judge the intentions of the King towards his people by his acts of grace and favour. Let us judge by the peace and calm which we enjoy during his reign, by his desires and efforts to make his subjects happy at home and renowned abroad. Finally let us judge it by his dislike for just severity when the wickedness and extravagant rage of the greatest criminal compel him to use it.

The most perfect government of the world cannot be so regular but that there will be always something amiss in it. But he who thinks that in order to remedy what is amiss he must attack the Government, and proposes thereafter to return once more to his obedience, must know himself very well. He could not so well know himself as to be certain that opportunity and success will not suggest to him designs more ambitious and unruly than those which he had at the outset.

Many men now alive know how far the Reformers of our time were carried beyond their original intentions, that the troops which they had raised, having become too powerful and having too hard a mouth to be bridled by the weak, turned against them and went so far as to commit atrocities at which, I dare well say, those Reformers were heartily disgusted. But neither by policy or power could those Reformers restrain them.

We have learnt by sad experience—and herein I hope that we may not become more wise—how short a time it needed to destroy and upset the whole work of industry and of the care of several years, even of centuries, when anger and violence are no longer restrained. When once sedition has become too powerful to be controlled by law, when rebellion cannot be repressed by the magistrate, so that laws are silent, their words corrupted, or their spirit violated, when the magistrate is despised as a needless burden—let us remember under what misery and sorrow the people suffer in such a season, how unbearable their sufferings and their fear of further sufferings—they know not what, how long or at whose hands. Let people remember how many masters they have had and what those masters have cost them, how often they have changed their masters and what has been the cost of such changes, when once they had reached such a pitch of folly as to wish for the misery and—to say truth—impossibility of having no masters at all.

When these false prejudices had seized upon the people, their hearts and affections turned from their Sovereign. It was not long till they were robbed of both by men who at the same time urged them to keep their purses full and well guarded that they themselves might cut and empty them. Rhetoric which has for its object

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a matter so closely allied to men's interests rarely fails to succeed. But those who have taken the trouble to calculate what profit the people have made by following the advice of those good managers, have found the sums taken or raised to maintain the usurpation amount to more in a few evil years than the imposts raised by our Princes in several centuries, even by those who have made the greatest imposts in order to gain the victory over their enemies and to conquer the infidel in foreign lands. But the usurpers used their taxes to make Christians more wicked than the infidels.

I know these words are not now seasonable and that they cannot be applied to you whose liberality has passed all example, and who have even anticipated the Royal wishes. You must not think that he thinks less of your generosity because he has devoted all that you have given to secure and favour the Protestant religion and the English interest in Ireland. You must rather argue, by the use which he makes of them, that he thinks them very precious.

Reciprocal trust and the exchange of gifts and favour prove and engender a happy harmony. This is true of private persons and therefore also of Kings and their peoples. The King has shown you his confidence and has given more than ever any King or Lord of Ireland gave.

You have given the King all you had and all that you could claim, and have given him more than he could wish. But let not that generosity of both parties put an end to these happy exchanges as if there were no longer anything to give or receive.

My Lords and Gentlemen, think not that this can be so. Protection against foreign enemies or internal rebellion, the lawful and upright administration of just laws, the advancement of piety and learning, and of trade and all kinds of industry and skill which can make things perfect, the motives which prompt these things—all these are benefits which, until the end of time, can be granted by the Crown to you and your descendants. The submission which you owe to that Government, obedience to these laws, devotion to that piety, knowledge, trade and skill may be gifts offered to as distant ages by the people to the Crown.

I shall here cease this discourse. It is an exercise on which I have no practice, but the King asks me to address you because he is pleased with your manifestations of faithfulness and affection. He directs me to tell you that his promises to you will be carried out, and that there is nothing which can help to make this kingdom prosperous and happy, but that he will willingly do it, whether it be the making of new and useful laws or the repeal of those which are old and useless.

Presumption might be laid to my charge if in this place I said aught either of my office or of myself. But it were ungrateful to keep silence in the presence of you, my Lords and Gentlemen, to whom I owe so much. And before and since my arrival you have

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been pleased to show by several obliging expressions the approval which you have given to the King's choice of me for this government. Yet I do confess I have much ground to fear that your action and that of His Majesty is prompted rather by kindness and indulgence towards myself than by your judgment of my person.

Yet I think that without presumption or vanity I may say that both the King and you are right to this extent, that he hath chosen, and you approved, one whose family and fortune must prosper or fail with this kingdom and by means of it. This is a thing which we do not often find; and it is not impossible that indifferent qualities, with those spurs, may be more useful and active than higher qualities which should act upon indifferent or contrary motives. I have every possible reason to labour with all my power for the safety and prosperity of this kingdom—reasons of duty, of loyalty, of gratitude for the best and most generous master in the world, of gratitude for favours shown me, and of my own preservation and private interest. From this one may conclude that my efforts will be sincere, devoted and loyal, and that my errors will be involuntary, committed in spite of myself, and therefore the more pardonable. And now, when I am withdrawn, you may adjourn your sittings to such time as you think fit. *In all, pp.* 14.—London: by Samuel Brown at the *King's Arms*, near the little southern gate of St. Paul's Church. *S.P. Ireland* 315, 68.

Documents relating to the Case of Lord Kingston.

Draft of the King to the Lord Lieutenant for John, Baron Kingston.

Lord Kingston has been dispossessed of several lands formerly set out to him or his father, or purchased by them or either of them from adventurers, soldiers or transplanted or transplantable persons or their heirs, &c. In consideration thereof we thought fit by several letters (in accordance with the clause in his favour in the Act of Settlement) to direct that he should be forthwith reprised; but this has not yet been done. He has been removed from lands of the annual value of £3,500, for which he has as yet received no reprize. Knowing, however, that there may not be sufficient land in Ireland to satisfy all claims, Lord Kingston is content to accept land worth £2,500 a year, leaving the rest of his claim to our will and pleasure hereafter. You shall grant him lands to this amount of the lands not set out on 7 May, 1659, to adventurers or soldiers, in the counties of Dublin, Kildare or Cork, or one of them, or in some other convenient place. You shall also discover by such means as are lawful the yearly value of the lands appointed by our letters of 25 August, 1662, for Lord Kingston's reprisal, and that of other forfeited lands in the same

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counties or elsewhere, with a view to giving such of them as you think fit to him. After the title has been examined by the Commissioners appointed or to be appointed for the execution of the Act, he shall be granted for his reprize so much of the said lands as are of the value of the lands for which he is to be reprized not exceeding £2,500 a year, if the lands from which he is moved appear to be lands set out to his late father or himself or purchased by them. He shall give a bond to surrender the lands given him *pro rata* if, and in proportion as, those which he is giving up may hereafter be found to fall short of £2,500 a year. *P.* ½. *Endd. S.P. Ireland* 315, 69.

Memorandum on Lord Kingston's case.

It has been objected:—

1. That to allow the letter tendered by the Lord Lieutenant [*possibly the foregoing*] on behalf of my Lord Kingston were to preclude the Act now under consideration.

2. That Blackwell built the fatal scaffold for execution of his late Majesty and so demerited the King's favour and forfeited all right.

3. That Blackwell nor [was?] no adventurer in Ireland.

4. That Lord Kingston is no purchaser.

As to these objections I answer:—

1. I conceive that the Act now under consideration is intended as explanatory, supplementary or directive to the great Act of Settlement. If so, this letter, being only for reprisal, which is one of the great uses of the Act not yet executed, cannot preclude the Act now intended. For I cannot suppose that the Act now framing will bar all reprizes, and by accepting that letter my Lord Kingston offers great abatement.

2. I have heard, and am well assured, that that objection was laid against Blackwell in the Parliament then sitting when His Majesty returned, and consideration had neither [whether] he should have the benefit of the Act of Indemnity. But 'twas then found he had no hand in that business more than in the execution of his office to issue money for defraying the charge, he being then Treasurer; and thereupon he was allowed the benefit of that Act.

Lord Kingston did not treat with Blackwell till the King had declared that neither he nor any other should be excepted from the benefits of the Declaration.

3. I am able to prove that few adventures were made so regular and can be so clearly proved as those of Blackwell.

4. Lord Kingston is a *bona fide* purchaser. He has paid part of the purchase money and secured the rest so that he must pay it. These two last points are moreover matters for the Commissioners and, if they are not satisfied as to them, Lord Kingston can take nothing.

To this may be added that Lord Kingston (immediately upon the entry into the lands he purchased) did, at the King's command,

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restore a great part thereof to several proprietors whereby he lost £5,000 that he might have received out of the rents of those lands if he had held them till evicted by the Court of Claims. In recompense thereof the King gave him a *custodium* of other lands pending a reprize, which accordingly was passed in May last. Notwithstanding which many parcels thereof have been since passed in patent to several grantees, whereby the *custodium*, as to so much, is voided, and consequently the whole may be so unless by this means prevented. This must be very distinct to Lord Kingston who, by the Act, cannot be reprized elsewhere.

I must likewise add that Lord Kingston's losses are as well out of the lands of other purchasers and out of his father's and own arrears as out of the lands purchased from Blackwell. *Other details. Pp.* 1¾. *Endd.* Dublin, 1663. *S.P. Ireland* 315, 70.

This concludes the documents relating to this case.

BRIEF ACCOUNT by GARRET MOORE of what he has done in order to GRAINGER'S or GRANGER'S enlargement.

Upon suspicion of counterfeiting a warrant concerning the Navy, Granger was charged by Sir George Carterett and sent to the Gatehouse where he lay above twelve months and no prosecution made against him. He gave out that he could make discovery of false debentures amounting to upwards of £100,000, for which land was set out to the soldiers and others in Ireland. This came to my hearing and I went to him in prison and laboured with him for about nine months to go on with the discovery. At length some treaties passed between Lord Garrard, Sir George Carterett and Granger, ending in an agreement signed by Granger and Sir George. Granger in return for making the discovery was to have his freedom and considerable advantages; but was bound to put his "books of characters" into Sir George's hands. He did so and deciphered a particular or two to him and Sir Henry Bennet, which gave them satisfaction. The question then was how he should be sent to Ireland. Colonel William Legg suggested that he should be sent to your Grace [? the Lord Lieutenant of Ireland] with me. Mr. Secretary approved of this suggestion without any entreaty from me, and an order was drawn committing Granger to my care. I gave no engagement to make him appear in this country, nor was I asked to. We thought that his interest in the discovery was sufficient to make him go on with the discovery, and the rather so because his books of characters were in Sir George's hands and their keys[1] in mine. Before he was released, and for a fortnight after, Granger was so ill that he was not able to go out of his chamber or begin his journey for Ireland. When he was well he began to make a cypher for Mr. Secretary and was with him twice or thrice about it, his escape was so little expected. But it seems Granger in the time of his imprisonment was a principal witness for Lord Garrard in a suit for a considerable estate depending between his

(1) *i.e.* keys to the cypher or "characters."

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lordship and one Mr. Fitton which Lord Garrard carried against Fitton. When Granger, acting on directions, went before me to Chester where he was to meet me, Mr. Fitton, or someone employed by him, having treated with him, procured a certificate from him wherein he declared that what he had witnessed against Fitton was forced from him by duress of imprisonment and by Lord Garrard's threats. This certificate was questioned in the Lord's House upon Lord Garrard's complaint, who adjudged it a libel and ordered Fitton to be committed till he produced Granger. Granger heard of this at Chester, and immediately wrote to Mr. Secretary, Colonel Legg and me saying that he was afraid of Lord Garrard, who had threatened to have his hands cut off, and was resolved to keep out of his power. He afterwards wrote and promised to go on with the discovery in Ireland if I would keep him safe. I promised that your Grace would make good to him all the King had promised him. My whole intention was for the public good and I submit to your Grace that Mr. Secretary is severe in judging this to be a matter for committal. *Pp.* 2. *Signed* (*not hol.*). *Endd. S.P. Ireland* 315, 71.

Further Documents relating to the Case of the Marquis of Antrim.

Petition of Rose, Marchioness of Antrim, to the Lord Lieutenant, showing that:—

The petitioner is informed that divers persons joined in a petition to your Grace setting forth that the forfeited estates in the baronies of Cary, Glenarm, Kilconway, and Dunluce, co. Antrim, and part of the said barony of Dunluce in the liberty of Coleraine and county of Londonderry, have been set out to them in satisfaction of their several adventures and arrears; that about 900 persons mentioned in the list annexed to their petition are therein concerned, and that they have been at great charge in settling and building thereon and in disencumbering the premises of several debts. They also charge the petitioner's husband to have been engaged in the late rebellion, and pray that he shall not be restored before they are reprised.

The petitioner, on behalf of her husband, represents that it appears by the certificates of the said annexed lists that only part of the said adventures and arrears was satisfied upon the said estate, nor were in truth more than five adventurers and about one hundred soldiers settled thereon. The names of these are mentioned in the annexed schedule.

These adventurers subscribed and paid out £3,000, for which they had set out to them 42,611 acres of profitable land; and the soldiers, being satisfied after the same rate, had set out to them about 65,000 acres, whereby it appears that the whole public debt to the adventurers and soldiers is about £7,000 or thereabouts. For this they have the whole of the Marquis' estate, and also that

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set by for payment of part of his debts, to the ruin of him and all his creditors. The removal of the soldiers and adventurers cannot be said at all to tend to their ruin as they have received "since the years 1655 and 1656" of yearly rent every year more than their principal money.

The greater part of the said soldiers have been settled, in the barony of Cary, which, by a special proviso in the Act of Settlement, is "set by" for satisfying part of her husband's debts, and on freeholders' estates deriving from her said husband. Whereby only a few will be concerned in her said husband's restoration. None of these are dwelling on their lots on the estate, but all or most of the present tenants held formerly of her said husband. They have made no improvement on the estate save one small house, but, on the contrary, several improvements which were made before their coming, and especially the Marquis's house of Dunluce, have run to decay. Dunluce House they have pulled down and sold the materials. She denies their disencumbering of debts, and, as to the charge of complicity in the rebellion, she has no doubt but that it will be refuted in good time. She says, moreover, that several of the petitioners, besides their former crimes that they were guilty of, have been engaged in such actions as will make them—as she believes—incapable of any reprize, besides the doubling ordinance, false debentures, &c.; and she is credibly informed that several names were added to the petition without the privity or consent of their owners.

For these reasons, and as the King clearly wishes the Marquis to be restored for his own benefit and for that of his creditors, who, as the annexed list shows, are many more than the petitioners:

She prays that if the petition of the adventurers and soldiers has been presented, this petition be presented also, and such other course be taken as may seem good to the Lord Lieutenant for carrying out the King's wishes towards her. *P.* 1. *Signed. Endd. S.P. Ireland* 315, 72.

List[1] of persons for whom certain lands comprised in the estate of the Marquis of Antrim were reserved.

The whole barony of Cary was by proviso set out for the payment of part of the Marquis of Antrim's debt, but was set out to:—

Dr. Ralph King.	Thomas Robinson.
Corporal Brisse.	Major Joseph Strowd.
Thomas Andrewes.	Bryan McCormack.
Roger Rhett.	John Forrest and Warner Westenra.
Corporal Orpe.	
Robert Crowder.	Roger O'Cane.
—— Mills.	Ensign Wilson.
Thomas Pighill.	Peter Beaghan.

[1] Not identical with the lists in *Calendar of S.P. Ireland*, 1660-62, *p.* 650 *et seq.*, but contains many of the names contained in those lists.

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George McLaughlin.
Thomas Seele.
William Shelton.
Ralph Jackson.
Hugh Edwards.
Captain Kean.
John Browne.
James Jackson.
Richard Smith.
Lieutenant Samuel Wilkins.

The whole barony of Kilconway set out to :—

Captain Robert Shields.
Simon Hickes.
John Hopkins.
William Houston.
Richard Scote.
Captain Winkfield Chappile.
Mr. Parkins.
Lieut.-Col. Wm. Coningame.
Thomas Lance.
Henry Reeves.
Mrs. Forrester.
Corporal Richard Baily.
Captain Bryan Mulhollan.
Nicholas Gatty.
Lieutenant Ellis.
Captain John Galland.
Andrew Crawford.
John Jackson.
Robert Hugh.
William Manly.
William Godfrey.
Captain John Person.
Robert Wilkinson.
Corporal James Kettle.
William Broadbanke.
Mr. Miller.
Captain Thomas Barrington.
John Blacklock.
Roger Redmund.
Samuel Hill.

The whole barony of Glenarm was set out to :—

John Davies, Esq., assignee or trustee to Major Smith.
Michael Harrison.
Arthur Upton.
James Shawe.
Captain Maurice [Marcus] Roma.
Corporal Richard Franklin.
Francis Hall.
Edward Sanders.
Captain William Heyborne.
James Standish.
John and James Donelson.
Peter Bosse.
Patrick Keire, clerk.
Lieutenant Thomas Conway.
Tobias Norris.
Thomas Fox.

Part of the barony of Dunluce in the co. Antrim was set out to:—

Maurice Thompson.
Mathew Lock.
John Hawes.
Erasmus Smith.
Thomas, Lord Massereene, and Charles Doe, assignees or trustees of Thomas Andrewes.

The rest of the said barony of Dunluce in the "long liberties" of Coleraine set out to :—

Sir John Rowly.
John King.
Lieutenant Thomas Lance.
Edm. Browne.
Richard Harrison.
Thomas Lassonby.
William Sharpe.
Robert Castle.
Stephen Cuppage.
John Spike.
Samuel Hill.
Hugh Rowly.
Francis Carter.
Arthur Loggan.
William Devord.
Symon Mannought.

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John Hill.
John Watson.
Morgan Thomas.
George Harward.
John Lowry.
Thomas Doore.
James MacMackins.
John Pierce.
Henry Devord.
Arch[ibald ?] Lyon.
Edward Elward.
John Mitchell.
Edward Glover.
John Cox.
James Spike.

P. $\frac{5}{8}$. *S.P. Ireland* 315, 73.

List of further documents relating to the same case, giving a list of depositions by the Earl of Orrery, the Bishop of Clogher and others.

Mentions specially the Bishop of Cork's deposition, with regard to which it says :—

Herein, besides what appears about the Marquis defaming the late King, it is to be observed that Catherlagh was one of the King's garrisons under the command of the Lord Lieutenant at the time the Bishop of Cork was sent to Ireton; that Ireton had been besieging it; that the Marquis of Antrim was then—*i.e.* about May, 1650—in Ireton's tent with him. This was several months before the Lord Lieutenant left the kingdom and there could not be any greater opposition to the peace of 1648 than joining with Ireton against it, together with the fact that, at the time of this joining, Ireton was besieging one of His Majesty's strongest castles. *Other details.* *P.* 1. *Endd.* *Ibid.* 74.

Further memorandum on the same case.

Seeing that the decrees of the Commissioners of the Court of Claims after 2 July, 1663, are now affirmed to be good and are confirmed by the King, notwithstanding the pretended elapse of time, these decrees must be conclusive upon all parties in accordance with the provisions on *p.* 58 of the Act of Settlement. The Act of Settlement intended to leave no further scope for disputes or doubts.

If the King should over-rule the demurrer of Lord Antrim, entered on the said grounds, and admit a review of the matter, the proceedings must be in the same nature before His Majesty as formerly before the Commissioners. The same witnesses must be heard, and on the same matters as before. No new evidence or witnesses should be admitted, and unless these be stopped by "demurrs" a new Court of Claims must be erected before His Majesty for reviewing all the decrees made by the Commissioners, which, by the scandalous paper preferred against the Commissioners, is apparent to be intended.

The proofs of all witnesses must be brought over and re-heard by the King, which will take more time than the King can spare and will render the settlement of Ireland so difficult and dilatory

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that few now living will see the end thereof. This may be the object of those who oppose these decrees, who, in the meantime, will enjoy the profits of the lands which they know they cannot hold when their claims are examined by the qualifications of the Act of Settlement. *P.* ⅔. *Endd. S.P. Ireland* 315, 75.

Copy of Petition to the King of several citizens of London on behalf of themselves and others, above sixty in number.

The petitioners have had several considerable sums of money owing to them by the Marquis of Antrim above twenty years past. Some of them have part of the said Marquis's estate tied for payment thereof, which is so small that it will not satisfy them above five shillings in the pound. The others are without any provision.

The petitioners have forborne to importune the King, hoping that His Majesty might, in so long a time, be satisfied of the accusations laid against the Marquis touching King Charles I. They understand, however, that a bill is near completion for the settlement of the several interests in Ireland, whereby the Marquis' estate may be continued in the hands of the present possessors, who are but a few citizens and some soldiers and have disbursed very small sums thereon. By this arrangement the petitioners will be greatly prejudiced and some of them ruined.

The petitioners pray that the Marquis may be restored to his estate, whereby he may be able to pay his debts, "which will be a preservation to many families of this City." *P.* ⅔, *with signatures (copies) of*

John Lawrence.
James Duart.
Edward Basse.
Peter Golding.
William Morehead.
Robert Thompson.
John Swall.
Mary Grinder.
Christopher Barry.
Simon Barnes.

Ibid. 76.

This concludes the documents relating to this case.

Draft of the King [to the Lord Lieutenant] concerning the rights of the Admiralty in Ireland.

We are informed that the rights and privileges of our Admiralty, which are a branch of our Royal Prerogative, have of late been, and still are, much diminished and encroached upon in our kingdom of Ireland under several pretences, but under none more than by colour of patents and charters granted to divers Corporations and private persons, who many times, under pretence thereof without any considerable benefit to themselves claiming and exercising Admiralty rights within several precincts, do greatly obstruct the rights of our Admiralty in Ireland. They do likewise subject themselves to chargeable contestations in case our High Admiral shall at any time attempt to recover the said rights, by

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reason of the doubts which may arise as to the legality of the grants to corporations or other persons. We therefore direct that in all grants or charters to be passed or renewed hereafter special care be taken that nothing pass, either by general or special words which by ancient right has belonged to our Admiralty of Ireland, but be saved by special clauses. You shall instruct Lord Chancellor Eustace and the Attorney and Solicitor-General in Ireland to take care that our pleasure herein is executed. *Pp.* 1½. *Endd. S.P. Ireland* 315, 77.

SAME of the SAME to the SAME for SAMUEL CLERKE.

We are anxious to reward Clerke, who has served our father and ourselves well, and is Attorney to the Duke of York. You shall grant him the manors, towns, villages, &c., which were heretofore as the lot or adventure and in possession of Samuel Avery of London, adventurer, lately deceased, which appear by good evidence to have fallen in the co. Limerick, and which have lately come into our hands on account of a debt due to us from the said Avery or of some other good cause. You shall also grant him the mountain or mountainous territory or portion of lands situate . . in the cos. Monaghan and Fermanagh or in either of them in Ireland commonly called by the name or names of Slewbagh *alias* Slevebagh *alias* Slevebae with the appurtenances. These last are of the ancient demesne of our Crown and were concealed from us. He shall pay rent at the rate prescribed by the Act of Settlement for Samuel Avery for the lands in Limerick, and five marks Irish a year for the lands in Monaghan and Fermanagh. *Beneficial clauses and details. Pp.* 1¾. *Endd. Ibid.* 78.

NOTE concerning THOMAS WEYS, merchant, now resident in London.

Weys desires a letter of favour to the Commissioners of Claims in Ireland, that he may have such favour in the matter of the claims which he is now about to present as justice may allow him. He is a man of "correspondency and employments." *P.* ½. *Endd. Ibid.* 79.

DRAFT of the KING to the EARL OF ANGLESEY, in his own behalf.

We release you from payment of the year's and half-year's rents payable by you out of lands in Ireland claimed by you or your assigns under the regulations of the Act of Settlement which direct such payments to be made by adventurers and soldiers. You may keep the sums due from you in your own hands and any part of such sums which you have already paid in shall be repaid to you. As other payments, to be made towards the satisfaction of the arrears of commissioned officers before 1649, are payable out of

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the lands claimed by you, we are pleased to extend to you in respect of them so much favour and advantage as may be anywise consistent with the Act of Settlement, and therefore authorise you, as you shall pay in the same in pursuance of the Act to "receive, take, and discount the same" as in satisfaction of such arrears for service in Ireland before 1649, satisfiable thereupon, as shall be purchased by you at the rates observed in cases of the like nature. *Pp.* 1⅓. *Dated* ———, 1663. *Endd. S.P. Ireland* 315, 80.

[Draft of the King to the Lord Lieutenant.]

"Taking notice as well from former disorders as from the late plots[1] and conspiracies against the government of that our kingdom" that many of the officers and soldiers of the army have presumed upon to the non-execution of martial law, without which the army cannot be kept in good order, we direct you to forthwith cause articles and rules of war to be composed and published according to former precedents and to see them duly executed "for the restraining of all vicious, licentious and mutinous disorders" which may happen in the troops under your command. *P.* ⅔. *Endd. Ibid.* 81.

Draft of [Same to Same] for Robert Meade.

On consideration of our former orders granted on behalf of Robert Meade, of Tisaxon in the liberty of Kinsale, for restitution to his estate, and of his recent petition to us in which he complained that he had not the benefit of the said orders, and of the sense of the Committee of our Privy Council that he is restorable as an innocent person within our Declaration; we order that he or his agent be established in quiet possession of his dwelling house in Kinsale, of his other houses and lands in the said town and liberty and in the baronies of Kynnaleagh [Kinalea] or Kerricurie [Kerrycurrihy], or elsewhere in Ireland, whereof he was dispossessed under colour of any acting of the usurped power in Ireland. He shall not have to wait till reprisals are given to those now in possession of these lands, since he took no lands in Connaught, and therefore is not liable under the Act of Settlement so to wait. *Other beneficial clauses.*

The Commissioners appointed for setting of security for arrears before 5 June, 1649, and all and every person deriving from them, shall forbear meddling with the premises or disposing of them. *Pp.* 1¼. Dated ———, 1663. *Ibid.* 82.

Same of [Same to Same] for Sir Thomas Wharton, Knight of the Bath.

Sir Thomas informs us that three half-years' entertainments are due to him as captain in a company in Ireland from 1 April, 1640,

[1] Apparently after the plot of April, 1663; but *see Cal. of S.P. Ireland* 1660-61, *pp.* 597-600.

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to 30 September, 1641, which amount to the sum of £922 0*s.* 3*d.*; also that, when the rebellion broke out in Ireland he paid all the officers and soldiers of his company their respective arrears out of his own purse, in order to encourage them to do our dear father better service. You shall inquire into the truth of his assertions, and, if they are true, recompense him with lands in Ireland to the value of £300 a year or less, which shall be granted to him subject to such rent as you think fit. *Pp.* 1½. *Endd. Dated* ——, in the fifteenth year of our reign. *S.P. Ireland* 315, 83.

DRAFT of the KING to the LORD LIEUTENANT for PATRICK ARCHER.

Archer petitioned showing us that he expended for us and in our service all his own stock and what he could secure by credit from his friends amounting to £6,294 4*s.* 6*d.* and that he has not had any benefit from the letters which we granted him for satisfaction of his principal debt out of the customs of Waterford and Ross, since these customs are, with all others, demised under one gross rent to Sir Martin Noell, Colonel Harvey and others.

You shall forthwith cause this sum to be paid to Archer out of the rent reserved from Sir Martin Noell, and the others, upon the farm of the customs. The payment is one which we cannot, on just and urgent grounds, longer defer; and we therefore direct that Archer be paid out of the very first sums paid in by the farmers that so we may not receive any further trouble in his solicitation. *P.* ⅘, *not identical with the grant of* 28 *January*, 1664, *and therefore calendared separately. Endd. Ibid.* 84.

DRAFT of [SAME to SAME] for JOHN EYRE, ESQ.

On 10 June, 1662, the Lords Justices, acting on our directions of 7 February, 1662, restored Colonel Richard Grace to the lands of Moyely and other lands. These lands then appeared to be in the possession of John Eyres or Eyre, Esq., partly for arrears due to himself and partly for other arrears which he had purchased. For Eyre's reprisal they further directed that the lands of Balliknockan [Ballyknockan], Monifida [Monafadda], Ballingloghan [Ballynacloghy], Curra [Curragh], Garencarin [Garrankieran], Lissverinagh [Lissavrinagh], Cloghan [Cloghane], and Cuellederry [Coolderry],* 884 acres, being allotted and set out to the executors, &c., of Major John Villers, for English arrears, and also in [*sic*] the lands of Lisduff by estimation 60 acres, all being in the King's County, and Clangawna [Clongowna] and Culrose [Coolross] in the barony of Lower of Ormond, co. Tipperary, all which are forfeited to us and liable to reprize John Eyre for the lands restored to Colonel Grace, be set out to him.

* Mr. W. H. Grattan Flood has helped me with several of these identifications.

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This order was confirmed by the Lord Lieutenant and Council by orders of 16 September, 1662, and 13 February, 1663. You shall give orders for the passing of letters patent under the Great Seal of Ireland confirming it, with clauses entitling him to compensation should such lands either fall short of what he has lost or be found restorable to some innocent former proprietor or other person. *Pp.* 1¾. *Endd. S.P. Ireland* 315, 85.

NOTE of QUESTIONS [possibly submitted for Counsel's opinion] on VISCOUNT GLANMELIRY'S [CLANMALIER'S] CASE.

Viscount Glanmeliry is indicted and outlawed for treason and had at the time of his outlawry several lands, &c., in tail, the reversion in the King.

By colour of the Act of Settlement in Ireland the lands of Viscount Glanmeliry are set forth for adventurers and soldiers.

The questions are:—

1. What becomes of Lord Glanmelirie's lands when "it" come to the Crown? Has the Crown these lands in point of reverter or as forfeited, and is the estate tail extinct by the access thereof to the fee simple which was in the Crown?

2. Do the lands of Lord Glanmeliry fall within the Act, as this case is to be distributed amongst adventurers and soldiers, for that the King is in of his ancient inheritance and the estate which is forfeited is extinct in the fee simple. *P.* ⅔. *Endd. Ibid.* 86.

DRAFT of [the KING to the LORD LIEUTENANT] for SIR CHARLES HOWARD.

By a late Act of the Irish Parliament a certain imposition was laid of 8*d.* on each beast that should be brought out of that our kingdom to England between 1 August, 1662, and 1 August, 1663, for raising £500 for William Leveston, of Dunduffe in Ireland. We have granted the overplus thereof to Sir Charles Howard; and direct you to take speedy and effectual steps to see that the collectors thereof pay it to William Christian and George Williamson for his use. *P.* ¾. *Endd. Ibid.* 87.

DRAFT of [SAME to SAME] for THOMAS MORICE and WILLIAM DODSON.

Recites that Dodson and Morris have offered £3,000 more for the customs than Harvey and his partners, and directs that the contract between the Crown and them for farming the customs and water duties of Ireland be ratified and confirmed. *P.* ½. *Endd. Ibid.* 88.

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DRAFT PROVISO in favour of FRANCIS LYE, of Rathbride, co. Kildare.

Providing that he shall enjoy all the lands, houses, &c., which his father enjoyed in October, 1641. John Lye died in the King's service beyond the sea, and his lands are not given out to any adventurer or soldier. *Other details.* *P.* ½. *Endd.* *S.P. Ireland* 315, 89.

DRAFT of SAME for HUGH, EARL OF MOUNTALEXANDER.[1]

Sets out the grant of 12 June, 1662, to the Earl of Mountalexander of the manor, castle, &c., of St. Wolstan's *alias* Allenscourt and other manors, castles, &c., in cos. Kildare and Dublin, and the restoration of James Allen to these lands owing to his innocency. Mentions the King's desire to recompense Hugh, Earl of Mountalexander, and directs that he be granted so much of any lands which shall accrue to the Crown under the Act of Settlement by means of attempts to disturb the King's peace as shall be equivalent in clear yearly value to the lands of St. Wolstan's and the other lands formerly granted to his Lordship. If on trial of any of the persons engaged in the late plot to surprise Dublin Castle, any of their estates be found to be forfeited under the Act of Settlement, the said Earl shall have a first claim on such lands until the King's pleasure as herein stated be made good to him. For the lands so granted the Earl shall pay rent at the adventurers' and soldiers' rate prescribed by the Act of Settlement. Favourable clauses. *Pp.* 3½. *Endd.* *Ibid.* 90.

ORDER of REFERENCE [on the PETITION of DANIEL O'NEILL].

The King is anxious that the petitioner should be punctually paid and refers his request to the Lord Treasurer and the Chancellor of the Exchequer. They are to certify the King as to whether the King will not gain by granting the petitioner his request and receiving what he gives up in return for it. *P.* ½. *Endd.:* Mr. O'Neale. *Ibid.* 91.

END OF S.P. IRELAND 315.

[1] This document was discovered too late for insertion at 18 December, 1663, and moreover differs substantially from the grant there calendared.

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1 Jan. Charleville. The EARL OF ORRERY to [SECRETARY BENNET].

The winds have been so contrary "that the Post Office is indebted to us six packets at once" and I have only just got yours of the 5th of December.

I have despatched your letter to the Lord Lieutenant which he is to recommend to the King for you, and have acquainted him you mind yourself so little that you will have no benefit by the grant of it, unless you fail of success, in the estate of my Lord "Glanmelero" [Clanmalier] given you by the King. I have therefore asked the Lord Lieutenant that the blank may be filled up with the sum at which Lord Glanmelero's estate may well be estimated. This will be justice to you and may also be of advantage to Ireland, for if you fail of your first grant the second ought to recompense you for that failure; and if you succeed, the sum you decline will, by being cautionarily assigned to you, preserved from others and, the first grant being settled, may be applied to the service of Ireland. The larger therefore the sum in the blank is, the greater will be the advantage to you or the Treasury here.

I feel sure I shall succeed in this request and am pleased to serve you in the matter. I hope to have better news of your health. "Your greyhounds yet do well. They have now but ten days of further trial to endure and then they shall begin their journey."

We are here, God be thanked, quiet, but our last letters have not a little wounded the generality of the English; not only that the bill transmitted is rejected but [that] those of the Commissioners now in England (wh[om] God knows how I laboured to hinder their being impeached here), are appointed to draw up the bill which is to settle this kingdom. Many here fear—let the bill in the forge be never so good, it will still be liable to question, since it originally is made in England, Poynings' Act requiring all laws of this kingdom to be first transmitted hence. They may be altered at the English Council Board, but never were, originally and wholly, sent thence to the Parliament in Ireland. I calm them by telling that, though the Commissioners are against them, their fate will be decided by the King, in whose wisdom they are safe; that the King had probably appointed the Commissioners to this work in order that they might regain the affection of their countrymen here, and that the new bill would limit them to the foundation of the Declaration, which they confess is good. "But I find by too many the ill they see, but the good is only the object of their hope, and most men's sights are better than their faiths. However, 'tis a clear and indispensable duty to rest in the will of God and of the King, which is a doctrine I inculcate into all, and shall still practice during the life of

Sir, your most humble, most faithful and most obedient servant,
ORRERY."

Pp. 4. (*Hol.*). *Endd. S.P. Ireland* 316, 1.

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[About 2 Jan.] DRAFT of the KING to the LORD LIEUTENANT for COLONEL WILLIAM LEGG or LEGGE, one of the Grooms of the Bedchamber.

By our letters of 14 March, 1661, we gave order for the passing to Colonel Legge of one or more grants of the rectories, preceptories, and other lands set out by several leases from Queen Elizabeth to Sir Thomas Plunkett, Lord of Louth,[1] to hold on the terms, &c., prescribed in that letter. For making good to Colonel Legge the benefit which was intended to him by that letter we direct you to give order for putting him in full possession of the lordship and preceptory of Kilsaran, parcel of the premises, with all the appurtenances thereto belonging, and of the other premises granted or intended to be granted to him by our said letters and settled on him by the said proviso which are or shall hereafter come out of lease. *P.* 1. *Endd. S.P. Ireland* 316, 2.

2 Jan. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

I send a draft of a letter for reparation to Colonel Legge for what he has lost by the retrenchment of his proviso in the Act of Settlement. I recommend it for the King's signature.

There is another draft for the Solicitor-General of Ireland which carries with it my reasons for supporting it. He is a young man of "extraordinary parts" who daily manifests his loyalty and deserves favour.

I ask for your favour for the amending letter in favour of Colonel Fitzpatrick and for that in favour of the Earl of Inchiquin. *P.* ¾. *Signed. Add. Endd. Ibid.* 3.

5 Jan. Dublin The LORD LIEUTENANT to the KING.

I should not trouble the King with so many—and some so long—letters, if I did not think this such a conjuncture in all respects as requires the uttermost and most faithful endeavours of your servants, both to confirm what you hear from others and to serve you. "It is doubtless known to your Majesty if it be true that the temper of very many of your people inclines much to murmur[?] and mutiny, which is not only a forerunner but a great incitement and preparation to sedition and disturbance; and it sometimes happens that Princes who meet with nothing but obedience and the most respectful observances in their Courts, and in those that approach them to gain grace and advantage from them, think all without that verge to be possessed with the same spirit of smoothness and satisfaction. It is not possible your Majesty, who has seen and felt the bold invasions and the scurrilous irreverences of rebels (of whom too many are yet alive) should be so deceived, but a Prince of courage may too much despise the danger" and not take proper steps to avert it. I therefore troubled you with mine of December 29 and with this. It is designed to hear your Majesty's sense upon that other rather than to add to it.

(1) *See* the grant in *Calendar of S.P. Ireland* 1660-62, at *p.* 261.

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I know that the course I suggested is dangerous for him who suggests it if it should come to be matter of accusation. My predecessor fell "under the malice of such as made his ruin the prologue to their rebellion. I also know that those who allow of that way of raising and providing for an army allow it only as a remedy when a rebellion or war is on foot, and not as a preventive," and I should subscribe to that doctrine if we were living in a period of long established peace. "But at the end of so long and furious a rebellion as hath agitated these nations and when it is evident by libelling and murmuring against the Government, and even by attempts to subvert it, that men are weary of peace upon the terms they have it" then it is your duty to yourself and your people to take the strongest and surest measures of prevention. I hope that, during its recess, your Parliament there has discovered so much of this disposition in too many that they will meet with good resolutions and prepared offers to secure your Majesty and themselves against the practices and violences so much contrived and threatened. Then they will no doubt so much consider the influence which the peace of this will have upon the peace of that kingdom that you will "not need to have recourse to that extraordinary way which nothing but the most pregnant appearance of an imminent danger can justify or make advisable. And yet Your Majesty is to expect that much endeavour will be used to poison that meeting. I doubt not it is remembered when my Lord of Bristol left, what hath been done upon him since, what he hath done to capacitate himself to prosecute what he begun, and that his nature is as like to lead him into desperate designs as his parts are to lay them dangerously. This is out of my road and the truth is I have so little light given me of things on that side that it adds much to the impertinence of my saying any thing upon the subject." I return therefore to what is nearer my view and ask that if your Majesty should resolve to increase your army here, and that there is no other way of doing it than that which I suggested in the case supposed, you would be pleased to let me know it, that I may offer unto you the easiest, cheapest and most plausible way of doing it. I also ask that your Majesty should not exceed the bounds of justice and moderation which you have no doubt laid down for yourself in settling this kingdom "in confidence that anything beyond those will be borne out by that force you shall raise, considering they are to be of English, who will not willingly be thought to countenance the oppression of the worst English in favour of the best Irish."

I further ask that your Majesty be careful whom you consult on this matter and keep this and my letter of 29 December.

P.S.—I shall, unless forbidden, sometimes send letters to the bearer to be delivered to you, and ask that, before your Majesty otherwise disposes of my letters, you will read them. *In all, pp.* 5. *(Hol.). Unsigned. Endd. S.P. Ireland* 316, 4.

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9 Jan. Dublin. SIR NICHOLAS ARMORER to JOSEPH WILLIAMSON.

My eyesight has prevented me from writing this month. Lord Arran is now with you, and if you can find him a rich wife and send him back soon it will be kindly done.

I hope to come over in six weeks. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 5.

12 Jan. Whitehall. The KING to the LORD LIEUTENANT for EDWARD PROGERS, one of the Grooms of the Bedchamber.

On 27 August last we directed that £5,000 be paid to Progers out of the sums paid in by adventurers and soldiers in consideration of confirmation of their estates. Only £1,000 thereof has been paid. You shall pay the balance at once. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 19*d*, 20.

Also note of same. *S.P. Ireland* 318, *p.* 1.

18 Jan. Dublin Castle. The LORD LIEUTENANT to SECRETARY BENNET.

Recommending a draft in favour of Colonel Piers Lacy, who has served the King well at home and abroad. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 316, 6.

Same. SAME to SAME.

Sending a letter in favour of the Archbishop of Dublin, which contains the reasons which he asks that the King will sign it. *P.* ½, *&c. as on foregoing. Ibid.* 7.

[15 Jan.] ENTRY of WARRANT to [the LORD LIEUTENANT].

Authorising him to prepare patents for granting to Secretary Bennet all the lands, &c., which were lately in the possession or inheritence of John Fitzgerald, of Doumana [Dromana], co. Waterford, and of the reversion or reversions thereof expectant upon any estates in fee tail, for terms of lives, years or otherwise. Beneficial clauses to be inserted. *P.* ½. *S.P. Dom. Entry Books XVI. p.* 8.

15 Jan. Charleville. The EARL OF ORRERY to SECRETARY BENNET.

The King, at the Lord Lieutenant's request, wrote to him, to Lords Anglesey and Massereene and to me, that Lord Roscommon should have £5,000 out of the money payable jointly by adventurers and soldiers for repairing the losses of those who had most eminently acted and suffered in the Royal service. The money not coming in as

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expected, we had to pay instalments of these grants, whereby none had nearly their full sums. But Lord Roscommon, hearing that some to whom the King had granted letters on that fund have received [?] their grants, asks me to beg you to get a second letter from His Majesty for the payment of what is not yet satisfied on the King's first letter. He and his father suffered as much as any in the Royal service; also, he has married my niece. *Pp.* 1½. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 8. *Enclosing—*

Draft of the King to the Receivers of the Adventurers' Moneys for Wentworth, Earl of Roscommon.

By our letters of July 6, 1662, *we directed that* £5,000 *be paid to the Earl out of the adventurers' and soldiers' moneys. Only* £1,250 *thereof has been paid. You shall pay him the balance out of such of these moneys as first come in. Pp.* 1¼. *Undated. Endd. Ibid.* 8, 1.

16 Jan. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON.

The people concerned in the enclosed despatch are ready to pay your fee and Secretary Bennet's, and also to give you something additional for procuring them speedy despatch. I therefore pray you to use your efforts in the matter when their agent there appeals to you about it. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 9.

17 Jan. Dublin Castle. SAME to SECRETARY BENNET.

Sends a letter from the Lord Lieutenant and some drafts to which the Lord Lieutenant desires the King's signature.

P.S.—The Lord Lieutenant defers judgment in Mr. Lye's case till he finds whether he has put in his claim. *P.* 1. (*Hol.*). *Add.* "For yrself." *Endd. Ibid.* 10.

17 Jan. Whitehall. The KING to the LORD LIEUTENANT for ARTHUR VISCOUNT RANELAGH.

Queen Elizabeth by letters dated 2 June, in the 21st year of her reign, granted to Sir Nicholas Malthby [Maltby], Kt., all the manor or Lordship of Roscommon and the castle of Roscommon, with diverse lands thereto belonging, and also the "scite, circuit, ambit and precinct of the late dissolved house or monastery of the Canons of Roscommon" and the "scite, circuit, ambit and precinct of the monasteries or house of friars of Roscommon," all in the co. Roscommon, and also the scite, &c. [as before] of the late dissolved house and monastery of friars of Long-curt *alias* Longford late esteemed to be in the co. Westmeath, and now lying in the co. Longford, with all the lands, tithes, rectories, &c., thereto belonging, in free and common socage at the rent of £Ir32 1*s.* 10*d.*

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whereof £Ir 31 5*s.* 10*d.* was for the property in the co. Roscommon. King James I., by letters dated at Dublin, 29 January, in the 13th year of his reign, granted to Frances Annesley, as assignee to Edmond Middop, the said manor and lordship of Roscommon and all other premises aforesaid and also all "castles, messuages, granges, mills, loughs, houses, edifices, structures, gardens, orchards, lands, tenements, hereditaments and tithes," and "al coradges, oblations, obventions, advowsons of churches and chapels and all other profits, commodities, advantages, emoluments," &c. whatsoever, which ever belonged to the manor and lordship of Roscommon and to the abbeys, houses of canons and friars, being either part of them or at any time accounted or reputed to be part of them.

Annesley was granted the best title the Crown could give and was to pay the rent aforementioned. The interest of Sir George Malthby and of Francis Annesley came to Roger, Viscount Ranelagh, and, since his death, to Arthur, now Viscount Ranelagh. The interest of Sir Nicholas Malthby and his heirs did not expire till 1639 and, owing to the distemper of the late times and since, neither Arthur Viscount Ranelagh nor his father could proceed to pass any new letters of the premises from King Charles I. or ourself. We are informed that disputes may arise as to the particulars which belong to the manor, lordship and abbeys, &c. You shall therefore grant Viscount Ranelagh, and his heirs, &c., by patents the manor and lordship of Roscommon, the said abbeys, monasteries, house of canons, and all the castles, houses, &c., rectories, tithes, &c., and advowsons, oblations, &c. [*see above for full particulars*] that any time belonged to any of the premises or shall appear to you by any inquisition or survey to have belonged or been esteemed to belong to any of them. You shall issue a commission to inquire as to the particulars. Lord Ranelagh shall hold the premises at a rent of £32 1*s.* 10*d.* a year. You shall also grant him by patents the right to erect all these lands which are in co. Roscommon, into one manor, called the manor of Roscommon. Lord Ranelagh may set apart 1,500 acres for demesne lands and may aliene lands in fee farm or for lives without impeachment. He may hold a court leet, view of frankpledge, "with all that to view of frankpledge appertaineth" and a court of the nature of the Court Baron, and may enclose and impark 1,000 acres or less for a park for "deer and other beasts of venery." He shall have waifs, strays, felons' goods, &c. [*details*] and may hold three fairs a year in the town of Roscommon, vizt., on the Monday in Whitsuntide week and the day following, on the first day of August (Lammas day) and the day following and on the 25th of November (St. Catherine's Day) and the day following—or the days following these if these should fall on Saturday or a Sunday. He shall have courts of pie-powder in every of the said fairs and all profits arising thereat. He shall pay forty shillings a year for the fairs. He may hold a Court of Record within the manor at such time and places as he thinks fit before his seneschal or seneschals, and shall have jurisdiction in pleas of £10 or less, with all the usual powers and profits of such court. If what is here granted appears to you not to

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have been granted by the former patents, and that the privileges hereby intended are not such as are usually granted to others, you are not to proceed to do anything in these matters other than shall seem meet to you. *Pp.* 4½. *S.P. Dom. Signet Office VI. pp.* 26-8.

Also draft of same, practically identical. *Pp.* 3. *Endd. S.P. Ireland* 316, 10*a*.

Also note of same, stating the date as February 17. *Two lines. S.P. Ireland* 318, *p.* 5.

19 Jan. Whitehall. The KING to the LORD LIEUTENANT for COLONEL WILLIAM LEGG, one of the Grooms of the Bedchamber.

We hear that you have disapproved the grant made by us to Colonel Legg by the Act of Settlement of several lands and impropriate tithes, and that the proviso in his favour has been "retrenched, so far as the same concerns any improvements given by us to the Church of Ireland." We desire to make compensation to Legg, who has long served us loyally, and desire you to grant him by patents 3,000 Irish acres of profitable land in Connaught which is not in the hands of adventurers, soldiers, or transplanted persons, together with such part of the lands formerly granted him as are not taken from him by the retrenchment of the proviso. He shall pay rent at the rate prescribed by the Act of Settlement for adventurers and soldiers. Favourable clauses. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 20*d and* 21.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 1.

Also draft of same practically identical. *Pp.* 1½. *Endd. S.P. Ireland* 316, 11.

Same. SAME to SAME for the EARL OF INCHIQUIN.

Directing that he be paid in full the arrears of his creation allowance of £20 a year. If it be paid according to the late establishment he would be paid only for a year and a half of the time since the Restoration. *P.* ½. *S.P. Dom. Signet Office VI. p.* 21.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 1.

Same. SAME to SAME for SIR JOHN TEMPLE.

Sir John has served us faithfully and was particularly diligent in the prosecution of those who made the late attempt on Dublin Castle. You shall grant him by patents forfeited lands in the co. Dublin or elsewhere to the value of £300 a year as a reward for his services. If these be recovered from him you shall grant him reprisals of equal value, at such rents, &c. as you think fit. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 21*d*.

Also note of same. *One line. S.P. Ireland* 318, *p.* 1.

Same. SAME to SAME concerning the FORT of PASSAGE.

We understand that the Fort of Passage on the other side of the water from that of Duncannon is "of great importance and that it

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may tend very much to our service and the safety of that harbour and of the parts of the county thereabouts, that good correspondency and intelligence be held between those forts." King Charles I. granted you the command of Duncannon for life and we now give you the command of "our said Fort of Passage and the town of Passage, East and West." You shall pass patents of the fort to yourself, giving yourself power to appoint a Deputy. *P.* ¾. *S.P. Dom. Signet Office VI. pp.* 21*d and* 22.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 1.

21 Jan. Dublin Castle. Sir George Lane to Secretary Bennet.

The Lord Lieutenant sends me the enclosed for you. He has been at Maddenstown since Thursday and we expect him back to-night. We have no news from England and attribute it to the boisterous weather. *P.* ¾. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 316, 12. *Enclosing—*

The Lord Lieutenant to [*the Same*].

I send a letter to the King and a draft sent me by Lord Orrery. I have used my best arguments—and that gladly—to the King to sign and transmit it. I shall do what I can for you in the matter. P. ¾. (*Hol.*). *Dated Maddenstown,* 19 *January. Endd. Ibid.* 12, 1. *Enclosing* [*?*]—

Same to the King.

It becomes more and more doubtful whether the bounty intended by your Majesty to Secretary Bennet in this kingdom will be of any benefit to him or not. I know your Majesty has very good intentions towards him, and, that these may not be frustrated, I send the enclosed paper that your Majesty may fill up the blanks with your own hand and then have a fair copy prepared for your own signature. The grant which he has is worth much better than £10,000 *if it prove good; and if it prove so, what your Majesty shall now give him in money shall be again applicable to what other end you shall think fit. Pp.* 1¼. (*Hol.*). *Dated* 20 *January, but apparently enclosed in foregoing. Endd. Ibid.* 12, 1*a*.

22 Jan. Council Chamber, Dublin. Proclamation by the Lord Lieutenant.

Proroguing till 7 February, 1664, Parliament which is already prorogued to 3 February, 1664. *P.* ½, *with note* of printing by Crook, and sale by Dancer in Castle Street. *S.P. Ireland* 309 *p.* 141.

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27 Jan. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I thank you for your good wishes and beg you to continue your solicitations on my behalf. I shall do the same for you in any matter in which you are concerned. We are all greatly pleased here at the Duchess' recovery and the proceedings at York, which we hope will deter all plotters. We hope here that the supplemental bill of settlement now before the King will be concluded. His Grace is pleased with your care. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 13.

Same. SAME to [SECRETARY BENNET].

Thanking him for his kindness and assuring him of his readiness to acknowledge his obligations. *P.* ½. (*Hol.*). *Endd. Ibid.* 14.

27 Jan. Dublin. The LORD LIEUTENANT to [the SAME].

If I say little it is because the principal business of this country is now being transacted in yours. Yours of the 12th alone—of several I have received from you—requires an answer, since I have already expressed myself fully on the state of this kingdom to the King, the Lord Chancellor, and yourself. I am glad the King sees the necessity of a settlement here, and is willing to push it to a conclusion. I had already, before I received yours, prorogued Parliament till February 17,[1] and think it is on the whole better that they should not sit till the main Bill is before them. Also I had contracted the army into as few garrisons as could be, but I shall advise with those well acquainted with the country and see what further change can be made.

The whole number of the last recruits are not yet arrived here, but Major Beversham with about 70 is at the water side and ready to bring them over. My former letters, and an enclosure in my letter of November 28, will express my views as to the King's proposal for sending over officers and recruits. I need only say that several of the old officers who have received their proportion of new men complain much of having had to supply them with means to live and clothe themselves. In order to admit them they have had to turn out many more likely men newly clothed and probably as well to be trusted, for it appears that some of the new men are of those who, having been formerly disbanded, went into England, and are now returned to us again. This is no fault of Major Beversham's, who cannot be presumed to know all the men raised by him. I conceive there will not be much room made for new officers upon His Majesty's view of the military list; but I shall say no more of it till I have the observations you promise to send me. I only say that there are here several officers worthy to fill any such room, some well recommended out of England, and others that have constantly served and suffered for the King here.

I know no good *pretence of* sending *my Lord Massereene out of this kingdom*,[2] that of consulting on the new Bill seeming to be

(1) The Proclamation of 22 January, says: "till February 7th."
(2) The words italicised are in cipher, with decipher overwritten in another hand.

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very late *he being now*[1] at his own house remote in the country. *But if His Majesty* do conceive his move so necessary the best way, in my opinion, will be for the King to *command him by letter* directed *to himself to attend upon him* upon such pretence as shall be thought fit.

I had already ordered Mr. Slingsby to be paid in proportion with the others. We can do no more for him at present.

I should like to have back the establishment I sent over, some time ago, to Lord Anglesey, with such alterations as may have been made. We need it to regulate army payments. *Pp.* 2¾. *Signed. Endd. S.P. Ireland* 316, 15.

28 Jan. Whitehall. ENTRY of ROYAL LICENCE to WINSTON CHURCHILL.

On consultation with such of your brethren, the Commissioners of Claims, as we lately recalled from Ireland, we think it well that you too should come over to answer us in some things regarding your late trust. As you can now be spared thence you shall, after communicating our pleasure to the Lord Lieutenant there, repair hither to receive our further pleasure and commands. *P.* ¾. *S.P. Ireland* 318, *p.* 2.

28 Jan. ENTRY of the KING to the [ARCHBISHOP OF ARMAGH] for EDWARD GAMES, Doctor of Laws.

Dr. Games, who is Treasurer of the Diocese of Connor, is "much indisposed by his abode in Ireland," and wants permission to come for some time to England for the recovery of his health. On 2 May last we wrote to the late Archbishop of Armagh that, for the aforesaid reason and also as Dr. Games was domestic chaplain to the Duke of Monmouth, he might be permitted to leave Ireland for three years. These letters had no effect owing to the late Archbishop's death, and as the reasons for them continue [we now renew our direction that he may] be absent from Ireland for three years without prejudice or loss in any matter within your jurisdiction. *P.* ¾. *Entry. Ibid. p.* 4.

Also note of same. *Two lines. Ibid.*

Same. COPY or DRAFT LICENCE to SIR MATHEW APPLEYARD, M.P.

Permitting him, on account of his employment in military service in Ireland, to be absent from the Parliament of England during the continuance of the next session and any prorogation or adjournment of the same. *P.* ½. *S.P. Ireland* 316, 16.

(1) *See* note (2) on last page.

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28 Jan. Whitehall. The KING to the LORD LIEUTENANT for PATRICK ARCHER, merchant.

Archer has presented to us that he spent in our service all his stock and whatever he could procure by credit from his friends, amounting to £6,200 odd. In consideration that his loyalty to us at a time when most others deserted us had cost him dear, we granted him several orders and letters for payment of his debt out of the customs of Waterford and Ross. He has not, however, received the satisfaction intended for him in regard to the said customs of Waterford and Ross, together with all others in Ireland are, under a gross rent demised to Sir Martin Noell, Colonel Harvey and others. You, who know how well Archer served us when abroad, shall take steps for prompt payment, either at once or by speedy instalments, so that we may not receive any further trouble in his solicitations. *P.* ½. *S.P. Dom. Signet Office VI. pp.* 22 *and* 22*d.*

Also note of same *crossed out. Two lines. S.P. Ireland* 318, *p.* 1.

Also draft of same. *P.* ¾. *Endd. S.P. Ireland* 316, 17.

Same. SAME to SAME for WILLIAM ROSSE.

Rosse has been at pains in making out a discovery of several lands in the co. Cork and barony of West Carbery and in managing the same; and has been at the expense of purchasing the interest of Lord Caulfield and Patrick Taland, who were joined with him in a *custodium* of the same, at £15 rent. He shall be continued in this *custodium* and also in that of the west half ploughland of Dunbeacon, formerly the property of Denod [Dermod] Carthy *alias* Glack [Glas[1]], Ardry Winy, one ploughland, formerly the property of Fyneen Mahowny, Derry, Funtin, [Derryfunshion] half ploughland, the property of the said Dermod, Kilglass half ploughland, belonging to Fyneen McCormack Carthy—being also lately discovered by the said William Rosse.

The rent reserved to us shall be £20 a year for all the above. Any persons who have *custodiums* of these lands and cannot make good their titles thereto, shall surrender them to Rosse. *Provided that* we may dispose of these lands either to ancient proprietors if they be found innocent or for reprisals if they are found nocent. Favourable clauses. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 22*d.*

Also note of same *crossed out. Two lines. S.P. Ireland* 318, *p.* 1.

29 Jan. Whitehall. SAME to SAME for SAMUEL BATHURST.

Bathurst has not come over here as he was directed to do on 1 December last to exhibit his pretensions to the Irish post office, which he claims against Daniel O'Neile. His refusal is a delay to our service. You shall therefore have Bathurst sent over at once. Do not fail in this. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 23.

Also entry of same, dated 30 January. *P.* 1. *S.P. Ireland* 318, *p.* 3.

(1) Suggested by Mr. W. H. G. Flood.

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4 Feb. Whitehall. The KING to the RECEIVERS of the ADVENTURERS' MONEYS for EDWARD PROGERS, one of the Grooms of the Bedchamber.

Similar to that of 12 *January above p.* 351, *except that the earlier letter in Progers' favour is stated to have been written on* 27 *August*, 1662. *P.* 1. *S.P. Dom. Signet Office VI. p.* 24.
Also draft of same. *P.* ⅔. *Endd. S.P. Ireland* 316, 18.
Also note of same. *Three lines. S.P. Ireland* 318, *p.* 4.

5 Feb. Whitehall. SAME to the EARL OF ANGLESEY for the COUNTESS OF PORTLAND.

On 24 November, 1662, we ordered you to pay £2,000 out of the profits from the adventurers' and soldiers' lands to Jerome, Earl of Portland. The Earl is since dead and has left our . . . cousin Frances, Countess of Portland, in a disconsolate and distressed condition. We find that only £260 has been paid on our letter; and know that the Earl was disenabled by his losses in our service from leaving the Countess well off. "Out of the first moneys which shall be paid upon the return of the valuation of the half-year's rent of adventurers and soldiers, and out of the second half-year's payment to be made to us by adventurers," you shall pay her £4,740. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 24*d.*

5 Feb. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I have no news here, but have lately received the original of which the enclosed is a copy from the Archbishops of Armagh and Dublin. They have often made verbal protests to me before, but are now, I suppose, compelled "by the increase of the indiscreet and arrogant deportment of the Romish clergy" to make this kind of application for redress, which yet they have done with great secrecy and discretion, "being in truth very prudent persons and far from peevishness or violence in their nature or opinions.

"Being well acquainted with the boldness and ill conduct very many of that clergy are apt to acquire and fall into from the least countenance and connivance that is afforded them, I am persuaded they will at length draw upon themselves and upon some better and more sober men of that profession that which they will then more reasonably call a prosecution than they now do, the endeavours that are used [being] to secure only those of them that are and ever have been averse to the King" and "misleaders of the people, who are commonly more ready to receive the ill impressions of turbulent than the good ones of more sober spirits." I do not think it just or prudent that both those sorts should be equally prosecuted or favoured. "I was therefore glad that such a test as that of a declaration subscribed at London by many of that clergy and laity of best quality was set on foot." It is the best way to

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distinguish between them, and since it is most probable that His Majesty will one day find it necessary "to lessen the prodigious number of that clergy that daily flock hither and are ordained here (as well to prevent the mischief they may lead the people into as to ease the burthen they are to the people), I do conceive that those who will not subscribe to that declaration (which no understanding good subject will refuse) are fittest for a smart proceeding to be held with them, by which means, if it be seasonably taken in hand, connivance and favour may be afforded those that shall subscribe with more safety to the Government and with less scandal to the Protestants, and then also may more severity be used towards other Nonconformists, when it shall appear they are not solely singled out for persecution, whilst others, conforming no more than they do, are permitted with impunity to have their meetings and to introduce and exercise a foreign jurisdiction, though the laws by which they suffer were provided against those that are spared and had no aspect towards those that are punished; which is already matter of much seditious discourse amongst the Presbyterians in the North and of all sorts of sectaries all the kingdom over."

This way (by warrant of an instruction from His Majesty) "I was falling upon till the King inhibited it; and this way, I think, the paper which I send will be best answered, the prosecution rightly placed, and the well affected of the clergy encouraged to persist in their good principles and to involve the people with them; who, since they must have Romish clergy whilst they are Papists, it will, I conceive, conduce much to the King's service that they be such as shall have given some engagement for their loyalty." I should like to have His Majesty's pleasure on this matter at an early date. *Pp.* 2¾. *Signed. Add. Endd. S.P. Ireland* 316, 19. *Enclosing—*

Copy of Address to the Lord Lieutenant of the Archbishops of Armagh and Dublin.

"*May it please your Grace.*

Having received several applications by way of complaint from many eminent Bishops and divers other persons of great worth and known integrity that the increase of Popery in all parts of this kingdom is grown notorious, and that the Romish clergy appear very daring in their public masses to the great disheartening of those who profess the religion established by law amongst us, that in most parishes throughout this kingdom there are Popish priests resident amongst the people who avowedly profess their being so, have their meetings solemnly, appoint diocesan and provincial synods, exercise a foreign jurisdiction, decree divorces, execute the sentences of their ecclesiastical courts, grant dispensations and faculties, absolve criminals who stand convict in the consistories of our Bishops, and, with an unblushing confidence, give their certificates thereof to be produced in evidence before the legal ecclesiastical judges, justle with the religion established, ubraid and effront it by speaking lightly of those laws which appoints them a punishment or at least requires their modesty, which they have now thrown off to that degree that they professedly aspire at something beyond impunity and connivance, which

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hath produced so ill a consequence in others, though differing from them in judgment yet equally disaffected to the discipline of our Church, that they urge it as an unanswerable plea for the like toleration to them in their conventicles with those who are assertors of a Papal power which in itself is inconsistent with the independent authority of his sacred Majesty in causes ecclesiastical" —on consideration of these complaints and of the discretion of those who made them, we think it our duty to represent them to your Grace, that you may be pleased to devise some remedy for due protection of the best religion in the world, which has been restored to us and established among us by the best of Princes. Pp. 1½, with signatures (not autograph) of the Archbishops. Endd.: 29 *January. S.P. Ireland* 316, 19, 1.

5 Feb. Dublin. SIR GEORGE LANE to SECRETARY BENNET.

Since my lord made up his packet he has had some news from a servant at Yeoghall [Youghal], concerning Ludlow. He directed me to send you the enclosed copy of it. *P.* ½. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 20. [*Enclosure missing.*]

6 Feb. Charleville. The EARL OF ORRERY to the SAME.

I last told you of my desires in your favour to the Lord Lieutenant and how I hoped for success. This is to say that those hopes have not been disappointed. My Lord wrote to me about the matter by the last post and I will repeat his words. They were:—"I have transmitted the letter for Mr. Secretary Bennet and I hope he will receive full satisfaction of my desire to serve him by it, and advantage to himself." I shall continue to do my best in your interests.

P.S.—"Your three wolf greyhounds wait only the convenience of a passage to be sent away to you." *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 21.

[10 Feb.] ENTRY of WARRANT to the ATTORNEY-GENERAL of IRELAND in favour of PHELEMY MAGENIS and of EVER, his son.

On reference of Philemy and Ever's petition to you our Attorney-General, you have reported that we may grant him the lands mentioned in his petition, vizt., "Ballycastlewillen [Castlewellan], Ballyclarkhill [Clarkill], Ballyback Derry [Ballyblack?], Bally Letrim [Leitrim], Bally Legananny [Legananny], Bally Banragh [Ballyward(1)], Balline Boyle [Ballinaboyle [1]], Bally Magen Mayo [Magheramayo] and Bally Megheran [Maghera]," all in the barony of Upper Iveagh, co. Down, according to their and others' interest by former conveyances, and that for corroborating of the said estates, they might have our pardon of all forfeitures happening by reason of any former letters

(1) Kindly sent me by Mr. W. H. G. Flood.

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patents with such clauses of restitution, &c., as the petitioners desire. We consent to their having these lands and the right to hold two fairs a year, on such days as they desire, without prejudice to any former neighbouring fairs. You shall draw patents accordingly, reserving to us the rent of King James I.'s time from the lands and a fair rent from the fairs. *P.* ¾. *Dated* "10" *in margin and placed amongst other entries of February. S.P. Dom. Entry Books XVI. pp.* 29-30.

10 Feb. Dublin Castle. SIR GEORGE LANE to [JOSEPH WILLIAMSON?].

I am glad to hear that Secretary Bennet is about to offer my letter to the King for his signature. I never despaired of Mr. Secretary's friendship notwithstanding the information I have had of his being dissatisfied with me. *Other details.* My Lord is grateful for the care you take of his information. *P.* 1½. (*Hol.*). *Endd. S.P. Ireland* 316, 22.

10 Feb. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I have just received yours of 30 January, and answer it at once without waiting to read the letters contained in it.

I am glad you are grateful for what I have done to gain you some advantage in the place and time of my government. When so much is carried away by persons with less good claims than yourself, be assured I shall be industrious to improve any opportunity of serving you. I have now authority to do so and will use that authority.

I have considered the question of the recruits for Portugal and am sure that they may be sent hence in the proportions proposed, and that they will be ready to go by the time the French ships can get to the port at which they will embark. Before, however, we go far with the enrolment of men we must know how many officers they think it reasonable to receive with 1,000 men, and of what quality they think that such officers should be. Without officers they cannot be orderly collected or embarked, or kept in order during their voyage. We should also know who is to be at the charge of keeping them from the time they reach the port until the date of their embarkation, for this may be a long time, and will certainly be some time. We should be told what levy money or money for the encouragement of the soldiers will be given and how much to "put the officers into equipage" and by whom and how it shall be received. Lastly we should be told what the conditions are to be after their landing in Portugal, and by whom to be performed, "for though this country be in perfect beggary as to money, yet that scarcity occasions so great a plenty of sustenance that none starve here nor will, without some appearance of bettering his condition, be brought to seek his fortune in a country not much famed for plenty." Please let me

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have an answer on these points, as quickly as the work may be required to advance; for it cannot go forward till I can tell those who will engage for what advantage they are to hope.

As to the quality of the men to be sent, they should not be men from the army. My reasons for giving this advice are "that they must be sent with their officers commanding them or they must be commanded men under other officers. Entire companies consisting of officers and soldiers (if they would go, which I believe they will rather be cashiered than do) cannot be sent but you must part with some as good and faithful men as any are left here, or can be sent us." The same difficulty arises in sending commanded men and they [there] are inconveniencies common to both ways—that, the companies being dispersed all the kingdom over, the trouble and charge of bringing them all to one port will be very great. Moreover, the difficulty of replacing a thousand men—taken out of different garrisons—by a thousand recruits will be great, and there will probably be a period during which a thousand men will be wanting for duty which is already arduous, and "perhaps as much now as ever to be punctually performed," I therefore think that the best course to adopt is as follows:—

1. That such officers as I hope to find to undertake it be capitulated with to bring their men to Kinsale by a time prefixed. Good caution for their performance should be taken.

2. I must know what levy money will be given and what money to officers. Until I know this I can do nothing except treat with a few fit officers who will be willing to undertake the business on fitting terms.

3. The conditions they shall have in Portugal should be "authentiquely transmitted," whether undertaken by the King our Master or by the Portugal Ambassador. If by the King, commissions should be sent to the officers who will conduct them hence and command them there.

Lastly. I should have the King's formal warrant for raising and embarquing the number of men or for sending away part of the standing army with or without officers. This will leave me free to take which course I like.

A further reason for not sending men from the army is that "now libels are thriving it may make the matter of one that the English are picked out to be sent upon desperate employments out of this kingdom, where they are so much already overnumbered by Irish, but, the levies pointing at no sort of people or nation, that scandal will be prevented." I think most of the men levied will be disbanded English soldiers if we can engage any of their old officers in it, "and I for my part am more apprehensive of those disbanded men and officers than of any in the army, lying, as they do, open to all temptations."

This is all I can say. Pending the answer to my suggestions, I shall send to Lord Orrery—in whose province the embarkation and greatest part of the levy must take place—for advice. I hope much from his loyalty and zeal.

I shall let Sir William Ashton know how well his service to my Lady Guildford is taken, and will ask him to continue it.

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I cannot think who should write or print "the infamous pamphlets." The information came hence, and I shall try to find its author and printer. *Pp.* 4½. *In* Lane's *hand. Signed. Add. in* Lane's *hand.* "For yourself." *Endd. in* Williamson's *hand. S.P. Ireland* 316, 23.

10 Feb. Dublin. LORD KINGSTON to [JOSEPH WILLIAMSON?]

I am grateful for your care of my concerns, and shall endeavour, as I have always done, to serve you. I wonder at the opposition offered to my letter, "backed with so much reason, fortified with my Lord Duke's recommendation and founded so absolutely on the Act." I refer you to Major Goodwin for further information and merely say that I never saw a proposition more conducing to the composure of all the interests in this kingdom than this would have been if it had been thought a fit precedent, and perhaps my enemy did not know what he did when he opposed that. I say "my enemy," for no man of reason could oppose the letter itself if another man had been entitled [?] to it. I shall say more on the point when "I have the honour to kiss your hands," which I hope will be soon.

"I could quarrel with you for not accepting my poor mite" which, though not one-tenth of what I had intended for your service was all I was master of, and for returning it by a strange hand. "I am ashamed and troubled to find this kingdom as troublesome and unprofitable to you as it is to itself; but I think the curse of God is upon the land and we are neither able to do ourselves nor our friends good." Lord Orrery is your friend and I feel sure that when Parliament next sits (I shall probably not see him before) we shall settle some affair much for your service.

"Several of my neighbours resolve to make you a present by the hand of Mr. Redding, who comes recommended to you by my Lord Lieutenant. Though I approved the present I did not the manner of it; and therefore 'tis that you have not my hand to the letter, but you must not be scrupulous at our behaviour, for our brains are such as the climate affords, and our manners suitable to the customs of the country. Therefore take all in good part, for all is intended so." *Pp.* 2½. (*Hol.*). *Endd. in* Williamson's *hand. Ibid.* 24.

10 Feb. Whitehall. The KING to the LORD LIEUTENANT for DANIEL GAGHAM.

Conn O'Rourk, of Modoragh [Modorragh], co. Leitrim, held several lands in that county by patent in 1641. He was "distracted" long before 1641 and remained so till his death, and was in no way involved in the guilt of the rebellion. As he died without heirs his property has come to us in right of our Crown and not as forfeited by rebellion; so that they are not in us subject to the rules of the Act of Settlement. You shall grant these lands

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to Daniel Gagham and his heirs, &c., by letters patents, reserving the rents which were reserved by the last patents at the time of the plantation of the co. Leitrim. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 25.

Also note of same. *Five lines. S.P. Ireland* 318, *p.* 5.

18 Feb. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I am glad to find that Mr. Secretary is inclined to despatch my business. Though you say that there is to be no disposing of anything till the bill is passed, I find grants come for Mr. Solicitor and Colonel Legg. I am afraid that if nothing is done till the bill is passed it will be too late.

P.S.—My grant is not a new one but in execution of the Act of Settlement, *p.* 95. It is the same case as Sir Theophilus Jones'. He had his letters for reprisals for Mr. Sarsfield's estate long since. *In all, p.* ¾. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 25.

18 Feb. Dublin. The LORD LIEUTENANT to [SECRETARY BENNET].

Since my answer to yours of January 30 I have had yours of January 19 and 23 and of February 6, to which my answer will be short. Of the letters which you, in yours of the 19th, say were returned, only those in the enclosed list have come to my hands. Unless some others are brought to me by the persons concerned, there remain unsent those mentioned in another list herewith. Amongst these is that which I proposed to the King in favour of the children of the late Earl of Mount Alexander; as to which I had, before I sent you the draft, an assurance of the King's favour. *Other details.* I am grateful to you for helping on the "good accommodation of His Majesty's fort of Duncannon," of which I hear also from Sir John Boyse. I am sorry that Colonel Wheeler has not only fallen upon the purchase of the most contiguous and convenient lands to be set apart for the use of that fort, but that he is also thereby engaged to support the title of a person of very ill fame, and so notoriously such that it cannot be presumed he could want knowledge of it. If you can arrange with Mr. Solicitor that, in the bill now to be returned, timely provision [in land] is made for that important place, I shall be grateful, and the King well served. Colonel Wheeler should be reprised if he from whom he derives his title be found reprisable.

I asked the King to grant nothing here, and only recommended petitions when it was plain that my request was disregarded and when poor people showed me that others, less deserving than they, had obtained the King's favour upon other mediations. I do not think that Lord Kingston's request, if granted as qualified by me, would have lessened the stock for reprisals. If it be so, I readily acquiesce in his being disappointed, but Sir Richard Rainsford knows the Act better than I do, and how the making of this grant would lead to frustration of its ends.

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I am ordered to send over Mr. Bathurst as directed. I never wished to oblige him or offend Mr. O'Neile; and regret my efforts in this matter should lead to that suspicion. Bathurst has not for some time had anything to do with the postage, so the sending him over will cause no public inconvenience. I think it is hard on Bathurst, who has desisted from prosecuting his claim, that he should have to transport himself from his other affairs to do so. He could be easily summoned to the Council, if wanted, in the ordinary way by its order, or, if that failed, by pursuivant, or, if that again failed, by a sergeant-at-arms; but I do not think it is the province of the Lord Lieutenant to warn people whose presence may be desired in private causes at the Council in England. This should be done either by the other parties concerned, or by messenger or pursuivant. If I had been simply directed to send Mr. Bathurst over I should have done so under a good guard, and shall do it if I am again ordered; but I should mention that he is a member of Parliament. The prorogation in expectation of the new Bill will not be so long but that he will still be within that privilige. *Pp.* 3½. *In* Lane's *hand. Signed. Add.* "For yourself." *Endd. in* Williamson's *hand. S.P. Ireland* 316, 26.

13 Feb. Dublin. Sir George Lane [Secretary Bennet].

Details. The ground upon which I pretend to a recompense for the portions of Mr. Hore's children appears in the Act of Settlement, page 95, whereby I am to have reprisals, on the terms given to adventurers, for the lands of Philip Hore, formerly granted to me. All adventurers being by the Act to be reprised for all encumbrances upon their lands, and these portions being an encumbrance upon Mr. Hore's estate, it is humbly conceived that I am reprisable for it by the said Act, as the adventurers without question ought to have been in case those lands had been set out to them. The delay in this matter is very prejudicial to me, as patents are daily passing by which large parts of the lands which are to be set out for reprisals are being disposed of. I, having been out of the estate, have had no lands or advantage in lieu of it.

P.S.—I send a warrant signed by the Lord Lieutenant for passing your grant the next day after he received the King's letter, and have employed a servant of mine to pass it with all expedition. *Pp.* 1½. (*Hol.*). *Add.* "For yourself." *Endd in* Williamson's *hand. Ibid.* 27.

17 Feb. Charleville. The Earl of Orrery to the Same.

I am grateful for yours of 30 January, which has been delayed by storms, and only just reached me. I am ashamed to deserve so little and receive so much, and shall try to serve you.

I am very glad you have acquainted the Earl of Anglesey with your order, and know he will serve you in it. I shall be pleased to serve you too, and it is an article of my temporal creed that when

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the King promises a thing to any man he will perform his promise. If we have infidels amongst us on that point, I certainly give them all the arguments I have to reclaim them from heresy. *Details.* But we have many who, looking on what the King has promised, take it that everything for which they have his word is as though it had been enacted by Parliament.

The Lord Lieutenant has consulted me on the question of the recruits for Portugal, and I have summoned several of the principal officers of the army in this province to be with me to prepare all things for that levy so soon as the orders arrive[1] which he has desired from you. I am sure that, if every province will contribute its share as this will do, 1,000 good men may be raised; but I doubt few of the standing army or the disbanded men will go, for they will expect, before going into French or Portuguese pay, to be paid off the arrears owed to them here—and that sum will raise three times as many men. Most of the men lately disbanded are married or men with something to live upon. The one sort will not go and the other are unable to go; "besides some English which [*sic*] were formerly sent in that service and did return hither, have given a frightening character of their usage there." To which I may add that the unsettlement of this kingdom is such that "to command English out of it would furnish matter for libels, through no cause, for 'tis undoubtedly His Majesty's clear right to command any of his subjects whither or from where he pleases." But, as the Lord Lieutenant said, I do not think it would be prudent to do so at this juncture. The army is now so small here that though I have more than one-third of its foot in this province by four companies, I have been necessitated "to slight[?] several garrisons [at?] the seaports only to do duty in the most important places, and that also third night duty. For what our people may say of the army, that it has served the usurpers, yet I do truly assure you it has been so often purged that the new men in it are many more than the old" and the old are generally of those whom we believe to be wholly faithful to the King. The recruits lately sent are the lamentablest fellows I ever saw, at least those are which were sent into this province; and I know the distribution was made with equality. "They are almost naked and altogether unskilful in the use of their arms, which makes me dread any more recruits; for since this army is the only one in the three kingdoms, and since 'tis so small already, if that small army should not be composed of good soldiers, His Majesty would be at a constant and great charge when no enemy appeared, and would not be well served when an enemy did appear. I dare say all the recruits sent for Munster had ere this been starved had I not got the officers to lend them money and engage for their diet." I give you a plain representation of my thoughts and the truth is all that Puritans have thought or said of the Jesuits is that [*sic*] of that insinuating art which really some of our fanatics practice to make unwary people apt to be jealous of the King's intention towards his English subjects. My chief task is to preserve men from that

(1) *See above p.* 363.

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infection and to cure them when infected. I believe my Lord Lieutenant is engaged on this task too, but I could not find it so great as he has experimentally found it. We must, while men are despairing in fear, "indulge to" their passions as well as their reasons. In a word, I think that if we receive those general orders which the Lord Lieutenant has desired, we shall get 1,000 men of both nations, and all religions, to go voluntarily, but I shall strive to have most of those go who I think are unfittest to stay. I shall continue to serve the King as long as I live, &c. *Pp.* 3¾. (*Hol.*). *Endd. S.P. Ireland* 316, 28.

18 Feb. Whitehall. The KING to the LORD LIEUTENANT for COLONEL PIERS LACY and DAME CATHRINE LACY, late COMYN.

By the petition of Lacy and his wife we are informed that she, being the relict of Sir Nicholas Comyn, Kt., has been adjudged innocent by our Commissioners of Settlement, and restorable to her late husband's estate. Some of this lay in houses and tenements in Limerick to which she is restorable according to the power reserved to us in the Declaration if we think fit. Dame Catherine and Lacy shall be restored, by way of dower, to one-third of such houses, &c., in Limerick as Sir Nicholas was seized of during the coverture between him and her, to which a title of dower was found for her by the Commissioners of Claims. *Other details.* *P.* ½. *S.P. Dom. Signet Office VI. p.* 38.

Also note of same. *S.P. Ireland* 318, *p.* 6.

Same. SAME to SAME for the ARCHBISHOP OF DUBLIN.

The mansion house of the see of Dublin is decayed and needs repairs; and these, as well as the removal of his family from Cork to Dublin, will be an expense to Michael, Archbishop of Dublin, lately translated from Cork, Cloyne and Ross. The revenues of the Archiepiscopal see are not settled and are now smaller than those of the see of Cork, though the expenses thereof are greater. You shall therefore pay the Archbishop of Dublin £1,000 out of the Adventurers' moneys. *P.* ⅔. *S.P. Dom. Signet Office VI. pp.* 28 *and* 28*d.*

Also note of same, stating that it is addressed to the Lord Lieutenant and the Treasurers of the Adventurers' moneys. *Four lines. S.P. Ireland* 318, *p.* 6.

20 Feb. [Dublin.] ——— to HENRY MUDDYMAN.

Details. All is expectation here about the bills coming from England. The prisoners connected with the late horrid plot here will, it is believed, be brought to their trial next week. Many say "the walled park newly made near this city by my Lord Lieutenant

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hath above 40 brace of deer in it already." The Earl of Clancarty arrived this week from England. "My Lady Duchess, not having her health well in this city, is removed to Chappell Izard [Chapelizod] 2 miles from hence, in the midst of the Park," to see if she can regain her health. *P.* ½. *Unsigned, but with seal. Add. to* Mr. Henry Muddyman at Joseph Williamson, Esq., his lodgings in Kirke House, near Whitehall, London. *Endd.*: "Ireland." *S.P. Ireland* 316, 29.

22 Feb. Dublin. ——— to Henry Muddyman.

I have yours of the 13th: and reprove you for not telling me more news, such as the death of the Archbishop of York, the likelihood that John of Durrham will be removed thither and thereupon becomes sick. You do not tell me whether Lord Gerard will be Master of the Ordnance, or whether, if he be so, he still commands the King's Guards or not. You say nothing of the Earl of Bristol's intention to appear "very gloriously" at the Parliament, and as to whether Bishop King of Chichester will be angry if any one be thought of for York but himself, he having "bowled it away formerly."

We have put off our Parliament till a week after Easter; look constantly for bills from you, and proceed to the trial of the conspirators shortly. Many men "makes scamble of a new petition to the Council to make void" all grants here. They cannot make both ends meet and satisfy their interest if the King gives away all the reprises. The Church let go their forfeited fee farms to the Royal officers in consideration that several Bishops and Lords have several hundreds a year added to them. "And now my letter of nothing is proved so long I pray God bless you and your good wife. I am so lustique, I am mad I have never a one myself." *Pp.* 1½. (*Hol.*). *Add.* Mr. Muddyman "At the sign of the *Seven Stars* in the Strand twixt the New Exchange and York House." *Endd.*: Dr. Potter. *Ibid.* 30.

25 Feb. Dublin. The Lord Lieutenant to Secretary Bennet.

Considering the state of affairs in this kingdom and the temper of the people who receive many impressions of hope and fear from what they believe is being transacted in England, I think it not amiss that I should have by me such a letter directing me to reform some officers of the army as you will find in the adjoining draft. I may use the powers which I already have, but I think some of the reasons mentioned in the draft may be fit to be used in case a general reformation becomes necessary. I recommend speed and secrecy in the matter. *P.* ¾. *In* Lane's *hand. Signed. Add.* "For yrself." *Endd. Ibid.* 31.

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[25 Feb.] ENTRY of WARRANT to the ATTORNEY-GENERAL or SOLICITOR-GENERAL for IRELAND in favour of SIR JAMES SHANE.

The Act of Settlement provided that £8,000 should be paid to Sir James Shane in compensation for the loss of an estate in the half barony of Erris, which by the said Act is vested in us and our successors. It was agreed by the said Act that if we released these lands within two years to Sir James we should be free of the said payment. You shall prepare a bill for a declaration under letters patent freeing us of the payment and restoring the lands to Sir James. *P.* 1. *S.P. Dom. Entry Books XVI. pp.* 44-5.

25 Feb. Whitehall. The KING to the LORD LIEUTENANT for SIR HENRY BENNET.

By our letters of 5 November, 1662, we granted to Sir Henry Bennet the estate of Lewis, Lord Viscount "Glanmalire." Several adventurers and soldiers occupy the estate by virtue of allotments and dispositions made in the time of the late usurpation and it is not certain, till the claims of these persons are heard, whether they can be removed and put upon reprisals. You shall therefore cause particulars to be made of so many lands now let in *custodium* or otherwise in our hands, being in the province in which this estate lies, or, failing that, elsewhere [as are equivalent to the said estate] taking the standard value set down in the Acts of 17 and 18 Charles I. relating to the Adventure in Ireland; and shall cause such lands to be passed to Sir Henry Bennet in *custodium* under the seal of our Court of Exchequer at a reasonable rent from 1 May next hereafter. He shall hold them till it be known whether the occupiers of the Glanmalire estate be removed therefrom. If they are so removed, the lands given in *custodium* to Bennet shall be used for reprizing them. *P.* $\frac{5}{6}$. A carelessly drafted letter. *S.P. Dom. Signet Office VI. pp.* 28*d and* 29.

Also note of same. *Five lines. S.P. Ireland* 318, *p.* 7.

Same. SAME to SAME for the DUKE OF YORK.

For the Duke of York's maintenance we lately granted him the forfeited estates of the late traitors attainted for the execrable murder of King Charles I., with such benefit of reprisals as adventurers and soldiers had, in case of restitution, by our Act of Settlement. The greater part of the lands formerly in their possession are restored to the ancient proprietors by discharges in the Court of Exchequer and decrees of the Commissioners of Settlement, and no reprisals are yet set out for the same; whereby our dearest brother is deprived of the benefit we intended him.

You shall therefore cause particulars to be furnished to you by our Auditor and Surveyor-General of lands let in *custodium* or otherwise in our hands in Dublin, Louth and Kildare, equivalent to those of which our brother has been deprived in the province of Leinster,

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and of lands in co. Cork, equivalent to those of which he has been deprived in Munster or elsewhere out of Leinster in Ireland, and shall pass them to our brother. [*Details as in foregoing.*] *P.* 1. *S.P. Dom. Signet Office VI. pp.* 29 *and* 29*d.*

Also note of same. *Four lines. S.P. Ireland* 318, *p.* 7.

27 Feb. Council Chamber, Dublin. PROCLAMATION by the LORD LIEUTENANT and COUNCIL.

By the Act lately passed in the present Parliament entitled "an act for settling the subsidy of poundage," &c.[1], the following provisions were enacted:—

Recites the provisions in favour of English shipping [*see clauses* 48, *ll.* 8-11, *and clauses* 52 *and* 53 *of the Act, which are here set out.*]

By an Act of Council dated 15 September, 1662, we resolved to dispense with the three several provisoes or clauses contained in the Act for the space of six months then next ensuing, and that the particular commodities herein mentioned be from henceforth rated at the following rates, vizt.,

Iron of all sorts £20 a ton and to pay 20*s.* a ton for Custom, and 20*s.* a ton for Excise.

All silks wrought and all silks manufactured, except ribbons, to be rated at 30*s.* a pound and to pay thereout 18*d.* the pound for Excise.

That, as all plate is freed of Custom, it be freed of Excise also.

And whereas by Act of Council dated 28 January, 1662[3], we resolved to dispense with these provisoes of the Act for a year, and from the expiration of the said six months.

Now, for special reasons of state and for the convenience of the public, we order that the dispensation continue for a year after the end of the aforesaid year; and that the several commodities mentioned in the Act of 15 September, 1662, continue to be rated as they are rated in that Act.

This dispensation is to be made known to the farmers of the Customs and Excise who are to acquaint the officers of the several ports with it. *Pp.* 3. *Overwritten* (*not autograph*) *by* the Lord Lieutenant *and signed* (*not autograph*) *by* seventeen members of the Council. *With* note of printing, &c., as the proclamation of 22 January above, *q.v. S.P. Ireland* 309, *pp.* 142-144.

29 Feb. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

I am grateful to you for your favour in the matter of the King's letter for my reprisal. I shall endeavour to deserve the continuance of your friendship.

I have to-day obtained a warrant from the Lord Lieutenant for the place which you want for Mr. Knight.

I have your patent for the £10,000 passed the Great Seal and have it in my keeping in expectation of your instructions for my

(1) 14 and 15 Car II. *cap.* 9.

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direction in your service in that affair. I send you a copy of your patent and wish you to know that you are particularly indebted to the Master of the Rolls. *Pp.* 2. (*Hol.*). *Add.* "For yrself." *Endd. S.P. Ireland* 316, —.

About [1] Feb. [?] DRAFT of the KING to the LORD LIEUTENANT for SIR GEORGE LANE.

By letters dated 16 February, 1661, and 10 July, 1663, we granted to Sir George Lane and his heirs several lands, &c., lately belonging to Philip Hore, of Killsoghlan [Kilsalghan], and John Cooke, both attainted of high treason, which contained clauses of reprisal for such lands, received under the said grants, as should be afterwards restored to any innocent persons. Several of Hore's relatives have claimed portions out of the said estate, and, if they are given, Sir George Lane and his heirs will be much damnified. You shall issue one or more commissions to inquire and report as to the yearly value of the estate held by Hore in October, 1641, and now possessed by Sir George Lane and also of that of the lands now in our hands and of avail for reprisals for Sir George. You shall then pass to Sir George, by patent, land of such value as that which he now holds or held, and which belonged to Hore in October, 1641, such further land to be held at the present rents, or such improved rents as you think good, during the time whilst Sir George still holds Hore's estate; and, after he has given it up, at the rent prescribed for adventurers and soldiers under the Act of Settlement. *Other details. Pp.* 2½. *Undated. Endd. Ibid.* 33.

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1 March. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

I presume that the bearer, Major Walters, and his pretensions from the King of Spain, are not unknown to you. He has explained them to me and given reasons for allowing the King to interpose for his satisfaction. Some of the King's servants here interested in his suit are with him—including Lord Dunganon. I recommend his affair to your furtherance so far as you find that justice and the state of the King's affairs will permit. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 34.

8 March. LETTERS PATENTS in favour of SIR JAMES SHANE.

In conformity with the warrant of 25 February, 1664 [*q.v. above*]. These our letters patents or the enrolment thereof shall be good

[1] *See foregoing.*

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in all the King's Courts. Various *non obstante* clauses. *P.* ½. *Large parchment. Overwritten with Sign Manual. Underwritten*: (1) "*Ex*[*aminata*] G. Palmer." (2) *With note* as to the contents of the letters *signed and dated by* Sir Geoffrey Palmer. *Endd. with order under the Sign Manual,* "Our will and pleasure is that this pass by immediate warrant." *S.P. Ireland* 316, 35.

5 March. ENTRY of WARRANT to the ATTORNEY-GENERAL in favour of EVER and PHELEMY MAGENIS.

King James I. by patents dated in Dublin, 22 February, 1611 granted to Ever Magenis, his heirs and assigns, several towns, lands, &c. in the barony of Upper Iveagh, co. Down, to wit, "Bally Castle Wellum [Castlewellan], Ballynetclarchill, *alias* Ballyclarchhill [Clarkhill], Ballmyghenegby, Ballyragraham, Ballyletrim, Bally, &c., as in a former letter[1] with a clause for avoidance of the grant in case either of rebellion by the owner under the patents or of alienation to Arthur Magenis or any other person not being of English, Welsh or Scottish origin (except such persons as were mentioned in the said patents). You shall prepare a bill for our Royal signature to pass the Great Seal abrogating these provisoes and granting the lands, &c. to Phelemy Magenis, his heirs and assigns, with two fairs yearly on Whitsun Monday and Annunciation Day at Castwellen [Castlewellan], if such fairs be not prejudicial to any other fairs in the neighbourhood: Favourable clauses to be inserted. *P.* 1. *S.P. Dom. Entry Books XVI. p.* 59.

9 March. Dublin. HENRY NICOLL to ————.

"Honoured Cousin,"

Your brother Gratrix, who was lately here, encouraged me to write to you if anything should fall out in the Bill of Settlement whereby any apparent prejudice might come to my estate. I want you to get the enclosed proviso for confirming my estate put into that bill. I have sent you certificates of my activity in promoting the Restoration from the Earl of Anglesey and Duke of Albemarle. I have spent £500 in journeys and other ways to acomplish that, and expected no reward but to see the King once more on his throne. I am sure the Earl and Duke and Sir William Morice will help me. "Sir, if you any desire to make any purchase here, I suppose I could find you a very handsome thing of about £200 *per annum* in the same county where your brother Gratrix lives; and many other opportunities this year there will be of laying out money to advantage in this country." I advise you to get a Register's place upon a new Act intended to be passed this year from the province of Munster. It will be worth £700 a year at least." *P.* 1. (*Hol.*). *Add.* "For yourself." *S.P. Ireland* 316, 36.

(1) *See above at* 10 February, 1664.

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COPY of PETITION to the LORD LIEUTENANT of several of the KING'S PROTESTANT SUBJECTS, showing that:—

Many of the King's Protestant subjects are concerned in interests that are provided for by the Act of Settlement, and which were well provided for by the bill explanatory upon that Act lately transmitted from Ireland to the Council of England, as they hear.

They hear that many agents there have been allowed by the King in Council to make their addresses from time to time to the Council for the better settlement of these interests; and that their endeavours have been such as to render those interests in a very hopeful way of settlement; "and that the interests of the soldiery, and more especially those who were not of the army at the time of the . . . . Declaration, and such Protestants as purchased lands from the transplanted Irish in Connaught are not like to be so well provided for by the bill." Changes are proposed in it and many of the King's subjects may be injured by not having persons on the place to represent them.

They pray for leave to instruct agents to appear on their behalf, and for the Lord Lieutenant's countenance therein. *P.* 1. *Signed (not autograph) by* H. Ingoldesby, Tho[mas] Stanley, John Cole, Richard Lehont, Robert Ormsby, Henry Nichol [*see foregoing*], Nath[aniel] Boyle, and Tho[mas Long]. *Followed by*—

12 March. ORDER by the LORD LIEUTENANT and COUNCIL on the foregoing PETITION.

Granting the petition. *Five lines. Signed (not autograph) by the* Lord Lieutenant, the two Archbishops, the Lord Chancellor, and eight other Councillors. *In all, pp.* 1½. *Endd. S.P. Ireland* 316, —.

And another copy of same. *Pp.* 2. *Endd. Ibid.* 37.

12 March. Dublin Castle. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I am glad I am to have my favour. I object to people in your office saying that, if they do not do other people's business, neither is Sir George Lane's done. This is written over here and people stare at me as if I were become a monster incapable of favour such as Sir Theophilus Jones enjoyed, who had his business done without hesitation. *P.* 1. *Unsigned, but in* Lane's *hand. Add. Endd. in* Williamson's *hand. Ibid.* 38.

Same. The LORD LIEUTENANT to SECRETARY BENNET.

Recommending that Mr. Baron Povey's salary as third baron of the Exchequer be increased. Baron Povey deserves the King's favour. *P.* ½. *Signed. Add. Endd. Ibid.* 39.

Also a duplicate of same. *P.* ½. *Signed, &c. Ibid.* 40.

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12 March. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

Thanks him for his favour and feels sure that the benefit intended him will go safely through. Sends a copy of the order signed by the Lord Lieutenant for Secretary Bennet's *custodium*. Will attend to it if Mr. Lye's brother does not do so. *P.* 1. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 316, 41.

12 March. Dublin. The LORD LIEUTENANT to the SAME.

I have yours of the 9th and 23rd of this month and have given orders to prepare the commissions you desire for the Deputy-Lieutenants in Bristol. I have just got the King's letters for passing lands in *custodium* to His Royal Highness and yourself, and am having the particulars made out. *P.* 1. *In* Lane's *hand. Signed. Endd. Ibid.* 42.

13 March. COLONEL TALBOT to [the SAME].

I was determined not to write again to you till I had secured your bill; and this, after much pains, has at last been done this morning. "I come now from before the Council where I have pleaded these two hours against all our opposers, and have at last got it past them and obtained an order to have it engrossed," which will be by Wednesday next, and signed and sealed also, and sent you the same night by the post. Pray send it back soon, for "we must beat the jorne [iron] whilst its hot." I could never get [have got] it past the Council had I not given one Lt.-Col. Nelson an instrument under my hand that he should be tenant to you for such lands as were set out to him at the rent that my Lords of Cork, Orrery and Anglesey should think fit. These persons profess to be much your friends, and have some connexion with him also. "I was necessitated to this because he hath a great interest in the House of Commons and would give obstruction to the bill there if he were not satisfied, for he is a notable bustling fellow and this I was advised to by Mr. Churchill and others, our friends here." I have also promised that nothing shall be changed in the bill there, but that it shall be returned as sent.

It may startle you that the soldiers and adventurers upon it are not to be removed till they have a previous reprisal. This you need not apprehend much, for in the first place we could not have got the bill through without that proviso, and in the next place the Commissioners assure me they will find us a reprisal. I shall be stirring in finding it for them myself, and when the bill is returned to us and we get it past the House of Commons, I think we are past the worst.

Lord Tyrconnell, who takes this, was most unhappily brought on the stage for a letter that was produced before the Commissioners and was judged nocent only for that letter. His Lordship will

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give you the particulars. He and his family have always served the King very eminently at home and abroad; and it is hard that so "ancient and noble" a family should now fail at the moment when it might expect a reward for its services. I hope you will appear for him. Your bill will go by him if he stays till Wednesday. *Pp.* 2½. (*Hol.*) *Endd.* "Col. Talbot." *S.P. Ireland* 316, 43.

14 March. Whitehall. The KING to the LORD LIEUTENANT for DR. WILLIAM FULLER, Dean of St. Patrick's, Dublin.

Directing that Dr. Fuller be advanced to the see of Limerick in the room of Bishop Edward Singe, who has been translated to Cork, Cloyne and Ross, and that he have the temporalities of the see in as ample a manner as his predecessor. He shall also hold, as his predecessor did, the sees of Ardfert and Aghada [Aghadoe], united, and the entire rectory of Traderry [Tradry, co. Clare?] in the diocese of Killelew [Killaloe] in *commendam*. He may also hold his Deanery of St. Patrick's, Dublin, in *commendam* for two years from 25 March next. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 31*d and* 32.

Also inaccurate note of same dated 29 Feb. *S.P. Ireland* 318, *p.* 7.

18 March. COLONEL TALBOT to [SECRETARY BENNET].

Your bill goes by this post for I have to-day discharged the engrossing and sealing of it. Return it as soon as you can and, with it, letters to Sir John Temple and others that have credit in the House of Commons. Be sure you write to the Speaker, and when it's past leave me to work out the rest. I writ formerly to you about getting Mr. Coventry to send me my lease [?] signed by the Duke, but I have no news from you this great while, and hope my letters to you do not miscarry. *P.* 1. (*Hol.*). *Endd.* 'Col. Talbot.' *S.P. Ireland* 316, 44.

18 March. Whitehall. The KING to the LORD LIEUTENANT for DR. WILLIAM FULLER, Bishop-elect of Limerick.

Recites the letter of 14 March (above) for advancement of Dean Fuller to the see of Limerick. By the Act of Settlement all proportions of land, tenements, &c., belonging to any Archbishop, Bishop, Dean, or Chapter "or other ecclesiastical person in his politic capacity," which have been granted in fee farm under the reservation of any chieferies and are by the Act forfeited to the Crown are to be set out for the improvement of the sees of any Archbishopric or Bishopric therein particularly named. As it is enacted that the Bishops of Limerick shall have £800 a year for

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ever, and as lands are not yet set out for that purpose, such lands shall be forthwith set out to William, Bishop of Limerick, and his successors. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 31 *and* 31*d.*
Also note of same dated 29 Feb. *S.P. Ireland* 318, *p.* 7.

17 March. Whitehall. The KING to the TREASURERS of the ADVENTURERS' MONEYS for the EARL of ROSCOMMON.

As a reward for the services of the late Earl of Roscommon and of his son Wentworth, the present Earl, we directed you on 6 July, 1662, to pay the present Earl £5,000 out of the Adventurers' moneys. Only £1,250 has as yet been paid. You shall pay him the balance. Clauses for execution. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 32*d and* 33.
Also note of same. *S.P. Ireland* 318, *p.* 8.

22 March. Whitehall. The KING to LORD KINGSTON for the MUSTER-MASTER'S ARREARS of the '49 Officers in Ireland.

Under the Act of Settlement you are to state the arrears of the Protestant officers who served in Ireland before June, 1649. Sir Robert King, deceased, was in his lifetime Muster-Master and Clerk of the Checks in Ireland, and had a perquisite of one day's pay out of the pay of each officer. This sum would have been paid to him if there had been money in the Treasury, but, for want thereof, many of the said officers gave to him, the said Sir Robert King, acquittances confessing the receipt of the said money from Sir Adam Loftus, late Receiver-General and Vice-Treasurer of Ireland, as part of what was due to them for their services. Notwithstanding the said acquittances there is due on these receipts about £1,626, which will be lost, if not prevented, to Lord Kingston, who is heir and executor or assignee to Sir Robert King. By the Act of Settlement the soldiers who have had lands set out to them for their arrears since 5 June, 1649, are to pay for such lands eighteen months' rent, measured by the rent which such lands bore in May, 1659, for payment of the arrears of the '49 men. These are to require you to defalk or discount from each such officer whose accounts you either state or satisfy for service before the 5th of June, 1649, and who has accounted with Sir Robert King and given to him the receipts aforesaid, for the money so acknowledged by such remittances or receipts; and to give to Lord Kingston one or more debentures for the same. Such debentures shall be satisfied at the rate of 12*s.* 6*d.* in the £, out of the year or year and a half's rent or other moneys payable towards the satisfaction of the said officers. It is only just that such money should be paid. You shall make the same defalcation from all other the said officers before 1649, whose accounts you shall either state or satisfy as aforesaid and who have not so accounted with the said

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Sir Robert King or who, have accounted with him, but not to the 27th of June, 1647, until which time, only, satisfaction is to be made to him; defalking or abating from their respective accounts or debentures after the rate or proportion of one day's pay in the year according to the establishment of pay by which their respective accounts or debentures are to be stated. You shall likewise give to Lord Kingston one or more debentures for the same to be satisfied after the rate or proportion, and out of the securities and in the manner, before directed for the debentures to be given him in lieu of acquittances or receipts as aforesaid. *Pp.* 1¾. *S.P. Dom. Signet Office VI. pp.* 33, 33*d and* 34.

Also draft of same. *P.* ¾. *Endd. S.P. Ireland* 316, 45.

23 March. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

Sending a draft of a letter in favour of the Earl of Carlingford. The Act of Settlement contained a proviso to the effect that in lieu of the lands of Collooney mentioned in the enclosed, he should have other lands in the co. Louth. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 316, 46. *Enclosing—*

Draft of the King to the Lord Lieutenant for Richard Baron Coote, of Collooney.

The town and lands of Collooney consisting of

Cloonerickeduffe	1	*quarter*
Rathrippin	1	,,
Cashel	1	,,
Cornecassagh	1	,,
Lagnananta	1	,,
Cloonecarha alias *Ballygrany* [*Graniamore*][1]		
Carrowmeire alias *Carrowkilladride* [*Carrow*][1]		
Cloonee	1	,,
Lisboy alias *Ballydaly*	1	,,
Killylin alias *Knocknehowa* [*Knockadoo*][1]	1	,,
Tullaghmore	1	,,
Killinduff and Carginboy	2	*cartrons*
Corrofaidy [*Currafaddy*][1]	1	,,
Drumneskella [*Drumnasillagh*] *and Tonelehowen* [*Tawnagh*][1]	½	,,
Carrowduffy [*Corradooey*][1]	3	,,

The four quarters of Kincreevin, vizt., Carrowmeere, Carrowanrie, Carrickbane and Cashellrubbin all in the baronies of Tirerell [*Tirerrill*] *and Corren, co. Sligo. These lands were set out for arrears of service in Ireland to officers and soldiers from whom Richard Lord Coote of Collooney purchased them. These lands were the ancient estate of Bryan Macdonagh of Collooney, deceased, and by conveyance* [*dated*] *before the year* 1641 *were settled in reversion upon the Earl of Carlingford and his heirs. On the petition of the said Lord*

(1) Kindly sen by Mr. W. H. Grattan Flood.

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Collooney, setting out that he has spent much on these lands, and praying that others may be set out to the Earl in lieu thereof, we directed that lands should be so set out to him in the co. Louth. We order you to pass to Richard, Lord Coote of Collooney and his heirs all the aforesaid lands in co. Sligo by letters patents containing the most beneficial clauses. Other details. Pp. 1½. *S.P. Ireland* 316, 46, 1.

23 March. REPORT by the LORD CHANCELLOR of IRELAND and others to the LORD LIEUTENANT and COUNCIL.

We have considered the matter submitted to us by the order of Board dated 18 March, 1663 [1664] concerning persons who were formerly of the army and were not of it on 30 November, 1660. Upon observation of transactions here in order to the King's Restoration and for divers years before, we certify to your Grace that there are many persons in this kingdom who, although they have been formerly officers and soldiers of the army in Ireland yet were not of his Majesty's army on 30 November, 1660, when the Declaration was published. Before the Restoration, divers of them were by the usurpers expelled from the army, and that, too, because the usurpers feared them on account of their loyalty to the Royal cause. Many of them were members of the happy Convention held in Ireland before the Restoration, which successfully laid the foundations for that blessed event in this country. Many of them too were employed by those who led the Royal cause in Ireland to command horse troops and foot companies then found necessary to be set up as a militia in cities and counties in the several parts of this kingdom, the better to countenance the then intended service for the King, and to oppose his enemies. Many of these troops and companies consisted of men who had been so disbanded by the usurpers, and divers of them died before the Declaration was made, so that they could not be then of the army. Divers innocent persons, and some who actually appeared in arms for the King's Restoration, purchased some of those estates. Many of them were those who, when the rebellion began, were of the inhabitants of the kingdom and were by the rebels robbed and spoiled of their estates, and, before succour arrived from England, "stood in the gap for the defence" of the King's interest with the hazard of their lives, and "preserved footing here" for the arrival of supplies when they came. They afterwards joined the English reinforcements and manfully fought under your Grace for the Royal cause.

It is very apparent how fatal will be an interpretation made in this case which may prove destructive to many (indeed very many) well-deserving families that survive, and to the wives and children of many that are dead, and to such loyal purchasers of some of those persons' estates whereof they or those from whom they derive were possessed on 7 May, 1659. These estates, having passed through the hands of so many persons, must beget great confusions and uncertainty in men's interests, and minister occasions of multiplying rents to the unsettlement and grief of the

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King's good subjects. These were, we think, the considerations which induced your Grace and the Council to insert, in bills sent hence to the King, clauses for security of such persons. *Pp.* 2¼. *Signed* (*hol.*) *by* the Lord Chancellor, Michael, Archbishop of Dublin, Henry, Bishop of Meath, Lords Massereene and Kingston, Sir R. Coote, Sir Robert Foote and Sir Paul Davys. *Endd.* "Read at the Board, 24 March, 1663, and agreed to, and the matter to be represented to His Majesty." *S.P. Ireland* 316, 47.

Also a copy of same. *Pp.* 1½. *Endd. Ibid.* 48.

24 March. Dublin. WILLIAM, BISHOP OF LIMERICK to SECRETARY BENNET.

I thank you for your favour and only ask for an occasion to serve you, "there being no pleasure in the world comparable to returns of gratitude next to that of obliging. And truly, Sir, I could never yet condemn myself for envying those who have great power to do much good and who have such a heart as yours to do it. I pray God increase that ability and enlarge your interest with our Prince, who is then best served when such as you lay out his Royal favour to his honour, as well as to your own satisfaction in obliging." *P.* 1. *A flattering letter.* (*Hol.*). *Add. Endd. Ibid.* 49.

[About 25 March.] The LORD LIEUTENANT to the SAME.

I have to thank you for yours of the 8th, 15th, and 19th of this month, especially that of the 8th, which brought with it the warrant and direction I desired for better forming and ordering of the army. As to the time of putting it into execution, I doubt not but His Majesty will believe it shall be most seasonable. I can have no end in the direction but the desiring His Majesty's service.

I showed my Lord of Inchiquin that part of your letter which concerns him. He at first wanted to hasten into England to remove, as he said, the prejudices against him, to which he was to attribute the disappointment at a time when His Majesty's bounty that way was so frequently communicated to others. I did my best to advise him how to govern himself and to await the King's favour, but do not know with what success I did either.

I am glad our bill is being discussed and hope that it will be soon returned.

I am very glad that the King's pleasure and service have removed me from having any part in the "garboyle my Lord of Bristol hath involved himself in." I have been so long his friend and servant that I should have been sorry to see him successful in his disturbance, or miserable for the attempt.

The persons you describe in your postscript of the 19th shall be carefully searched for and, if found, detained pending your directions.

Sir Robert Byron informs me that he has applied for the troop late the Earl of Kildare's and asks for my concurrence; and I

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think he should have one. But you will see, by the establishment which I have lately offered for the King's approval, that the troop formerly mine is to be the King's Guards and that the next troop to fall vacant (I little thought it would be the Earl of Kildare's) was to go under my name. By these means the King saves the pay of a captain of horse, and I am restored to a command which I have held nearly thirty years, and which otherwise upon my removal from the Government I should want. I hope that this will satisfy Sir Robert, added to an assurance that he shall have the next that shall fall. We shall be idle here till the bill returns, and nothing is likely to happen worth your frequent trouble. *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 316, 50.

26 March. Whitehall. WARRANT under the SIGN MANUAL to the ATTORNEY-GENERAL.

Directing him to prepare a bill for the Royal signature to pass the Great Seal containing a pardon to Patrick Russell, of Coniamstown, co. Down, and to Con. Magneis [Magenis?], of Cullcavy in the same, for all offences committed in England or Ireland before 29 December, 1660, with such restitutions of lands, &c. as are usual in such cases. *P.* ½, *with Sign Manual, and counter signature of* Secretary Bennet. *Endd. Ibid.* 51.

Also entry of same. *P.* ½. *S.P. Dom. Entry Books XVI. p.* 80.

26 March. Dublin. The LORD LIEUTENANT to the KING.

I think it right to let your Majesty know of those persons extraordinarily inclined to your service, and of how their service may best be used. I therefore let you know that Mr. William Temple, now in London, has on all occasions manifested great inclinations and suitable parts to serve you, and advise you to send for him, take notice of his service in the House of Commons here, and deliver to him the adjoined warrant signed, with expressions of your favour. The place is one of the best in the kingdom and his father paid I think £2,000 for it at Oxford, or a little before the war. His father was not always loyal, but since I have returned here last he demeans himself, both in the Council and in Parliament, with great prudence and duty. If you sign and deliver this warrant it will perpetually oblige Mr. Temple to "employ his considerable parts and industry" in your service. *Pp.* 2. (*Hol.*). *Add.* "To the King." *Endd. S.P. Ireland* 316, 52.

Same. The SAME to SECRETARY BENNET.

I hear through a letter which Colonel Richard Talbot allowed me to read that some friendly persons endeavour to "do ill offices between you and me, but, in recompense, an assurance that they are not like to succeed." I know that our common friends do not need to contrive a good intelligence between us, and hope nobody will try to disturb our friendly relations.

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I sent to the King, by my son Arran, a draft grant for Mr. William Temple. If the King signs it Mr. Temple (who knows not what is intended for him) may be consulted as to whether the patent of reversion should pass here or in England. "The doubt is by reason that our Chancellor, having the reversion after Sir John Temple, he may not find means to evade the passing of it, which I do not think he will venture upon, there being no injury done to his pretensions." As you know, Mr. Temple is well able to serve the King and should be encouraged to do so. *Pp.* 2. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 53.

26 March. Whitehall. The KING to the COMMISSIONERS of SETTLEMENT for ERASMUS SMITH.

Smith has presented to us a petition showing that certain lands which he held in co. Tipperary on 7 May, 1659, and which were confirmed to him by the Act of Settlement, are possessed by Sir John Stephens, who has got patents from us for them on the pretext that they were concealed. We referred the petition to the Lord Lieutenant on 19 September, 1662, who, after hearing the parties, said that the question which it raises should be decided by you, the Commissioners of Settlement. We refer it to you for the facts, on which you shall report to us. *P.* ½. *S.P. Dom. Signet Office VI. p.* 37.

29 March. Charleville. The EARL OF ORRERY to SECRETARY BENNET.

I have yours of the 15th with your assurance of favour to Lord Roscommon and my brother Cork. As I did not hear till now that the King had, on the representations made by the Lord Lieutenant, laid aside the levies for Portugal, I employed several friends to raise English and Irish here—for the Lord Lieutenant told me that he hoped, if the design went on, I should raise most of the men in Munster. I got one friend to engage for 500 men at a fortnight's warning, and some others to have the like number ready upon reasonable conditions and advance. Possibly such as I could have sent from hence would have been as much an advantage to this country as to Portugal, but as the whole business is laid aside I hope you will forgive me for telling you how far I had proceeded in the design before I knew that it was so.

Whatever alarms others have been under by reason of the long delay of the bill for Ireland, and the unwelcome reports that it is being amended, I do not trouble myself with them and persuade as many as I can to be of the like mind. I believe that whatever course the King takes will be best, both as to the amendments and as to the delay in returning the bill. I am sorry you hear from Ireland that your grant for £10,000 is defective, and that you should therefore secure new letters. I asked for a copy of your warrant and for information as to all your agent did in regard to it, so, if anything goes amiss, it is not my fault. If I am told the cause of the alarm I shall be able either to assure you it is causeless or to propose a remedy. It will greatly please me to do either.

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"We are not in Ireland without foretellers that some trouble will be in the Parliament of England, but I cannot so much as fancy anything of that nature will arise within doors. And if anything should happen without doors I hope his sacred Majesty will have no cause to repent the granting several of us of Ireland our lives and estates, when he shall see how joyfully we will employ both in the duty and happiness of his service against all opposers of it. This, I know, is the resolution of some thousands in this kingdom and the unalterable one of, Sir,

Your most humble, most faithful
and most obliged affectionate servant,
ORRERY."

Pp. 2. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 54.

30 March. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

We have intelligence here "from many as good hands as can be of the second form" that it is resolved all grants made since the Declaration and contrary to it shall be annulled by the new Act. I should think (if what I think in matters of this kind were material) that if such grants shall not be confirmed by this new Act they will be overthrown by the old. However that shall be determined or fall out, Lord Dungannon is different from the others and it will be very hard if he is concluded in the crowd. His case is that having a considerable arrear owing to him, personally and also as a successor to his brother who was killed on the King's service, he relinquished it all in consideration of that grant, and, having concluded himself, never thought of stating or getting allowance for his debt. It is agreeable to the Act that he should have satisfaction, but that his place and proportion be fixed is or may be contrary to the method prescribed. His merits are such that he deserves care. I have written in his favour to the King and ask you to support him.

"It is said from the same hands that transplantations must stand. I confess my sense is clearly against it, and I am enough discharged by expressing that it is so." *Pp.* 1½. *Signed. Add. Endd. Ibid.* 55.

Same. SAME to SAME.

A petition was exhibited to me on March 12 in the name of several of the King's Protestant subjects. I brought it to the Council Board, whereupon order was given in regard to it. You have herewith the petition [1] and order. Its reading occasioned a debate at the Board concerning those officers and soldiers who had been formerly of the army here and were not of the army on 30 November, 1660, and concerning the scruple raised in the interpretation of some points of the Act of Settlement in reference to

(1) *See above, p.* 374.

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such persons. I was not then in Ireland, and must in these matters borrow light from those who were then here, and it was therefore ordered at the Board on March 18 that some of its members should certify what (upon their observations of things here in those times) they thought fit to certify to me in this matter. They sent me the enclosed certificate[1] and when it was considered at the Board we were unanimous that it should be submitted to the King.

I now send these documents. *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 316, 56. *Enclosing—*

Copy of the petition and order calendared above at p. 374, *q.v. Pp.* 2. *Endd. Ibid.* 56, 1.

30 March. Dublin Castle. The Lord Lieutenant to Secretary Bennet.

Divers persons are now absent from this kingdom who are members of the House of Commons here. They may be wanted at the next meeting of Parliament, especially if in the meantime the bills expected from thence arrive. I send a list of them and offer to the King whether, by proclamation or some other public way, steps should not be taken to ensure that they shall return speedily here—except such of them as the King may licence to be absent. Parliament is at present prorogued to April 19th. *P.* ¾. *Signed. Add. Endd. Ibid.* 57. *Enclosing—*

List of members of the Irish Parliament absent from Ireland.

John Davis, Esq.	*William Rosse, Esq.*
William Temple, Esq.	*Ellis Goodwin, Esq.*
Sir Francis Butler, Kt.	*Samuel Bathurst, Esq.*
Arthur Freake, Esq.	*Sir Anthony Morgan, Kt.*
Dr. Robert Gorge[s].	*Folliot Wingfield, Esq.*
Lord Ibrackan.	*Thomas Pigott, Esq.*
Daniel O'Niele, Esq.	*Richard Jones, Esq.*
Robert King, Esq.	*Adam Loftus, Esq.*
William Wentworth, Esq.	*Sir Martin Noel, Kt.*
Edward Vernon, Esq.	

P. ¾. *Endd. as in heading. Ibid.* 57, 1.

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1 April. Council Chamber, Dublin. The Lord Lieutenant and Council to Secretary Bennet.

On a petition of Richard Dougherty directed to the King, His Majesty, by order dated at Whitehall, 30 November, 1660, directed a reference to the then Justices of this kingdom, with orders to

(1) *See above pp.* 380-381.

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deal with the petition as they thought good. Dougherty then petitioned the Lords Justices asking that, in view of his sufferings, services and eighty-four years of age, a pension might be granted to his son John Dougherty. The Justices granted to the Dougherties, father and son, or to the survivor of them, a pension by *concordatum* of 18*d.* a day. We recommend that they be reinserted in the intended establishment for the payment of the pension. *Pp.* 1½. *Signed by the* Lord Lieutenant and seven Councillors. *Add. Endd. S.P. Ireland* 316, 58.
Also copy of same. *P.* ¾. *Endd. Ibid.* 59.

[1 April.] Entry of the King to the Lord Lieutenant for Thomas Clifford and Thomas Kirton.

Licensing them to "receive and take to their own uses and without any account to be rendered to us or our successors for the same" the year's rent or year and a half's rent charged by the Act of Settlement or to be charged by any subsequent Act upon the lands set out to persons in Ireland under the Great Seal under the provisions of that Act or those Acts. They may demand, and implead and prosecute in the Exchequer or any other Court, for these payments, and give receipts therefor. *Beneficial clauses.* *P.* 1. *With date in margin. S.P. Ireland* 318, *p.* 9.

1 April. The King to the Lord Lieutenant to Same for Mary Cooper.

Mary Cooper, of , co. Clare, was indited for the murder of Thomas Baker or for being accessory thereto, and entered into several recognizances, by herself or others, for appearance. As she has been pardoned, these recognizances, which have been forfeited, shall be vacated. *P.* ¼. *S.P. Dom. Signet Office VI. p.* 38*d.*
Also entry of same. *P.* ½. *S.P. Ireland* 318, *p.* 10.

2 April. Note of licence to Sir Edward Deering to come over from Ireland. *Two lines. Entry. S.P. Ireland* 318, *p.* 2.

4 April. The King to the Lord Lieutenant for Nicholas Bayly and James Read.

By letters patent of 24 July, 1661, to Bayly and Read, they became interested in certain lands in co. Louth, which we granted them. We hear that, though they have spent much money in clearing off the incumbrances on these lands, they are likely to be deprived of them by the operation of a grant of lands in Louth given to the

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Earl of Carlingford in compensation for his estate at Collooney in Sligo. Before passing anything to the prejudice of Bayly or Read you shall fully hear and examine their case, and report thereon to us. *P.* ⅓. *S.P. Dom. Signet Office VI. p.* 37.

7 April. Whitehall. The KING to the LORD LIEUTENANT for SIR WILLIAM PENNE.*

Sir William has been damnified by the giving of the lands whereof he had *custodiums* to persons entitled to reprisals, and by being obliged, under the Act of Settlement and our order, to hand over certain lands in co. Cork to the Earl of Clancarty. You shall take care that no lands now in his hands be granted to any other person, unless they are specially mentioned, and a revocation of these letters is contained, in any grant under which such other person may claim. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 37*d*.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 10.

7 April. ENTRY of the KING to the MAYOR, ALDERMEN, and COMMONS of the CITY OF DUBLIN.

In the unsettled condition of our Irish revenue and whilst the Earl of Anglesey—who is Vice-Treasurer of Ireland—is away, it is necessary for our service that Sir Daniel Bellingham, who is Deputy Receiver-General to our Vice-Treasurer, should be excused from bearing the office of Lord Mayor of Dublin during the ensuing year. If, therefore, he should be proposed for that office for the ensuing year you shall forbear to choose him. *P.* ½. *S.P. Ireland* 318, *p.* 11.

Also draft of similar letter. *P.* ½. *Add. Endd. S.P. Ireland* 316, 60.

Same. SAME of SAME to the LORD LIEUTENANT for WILLIAM TEMPLE.

Directing him to prepare the necessary documents for granting, and to grant to Temple the offices of "Keeper or Master of the Rolls of our Court of Chancery" in Ireland and "Clerk or Master of the Rolls, books, writs and records of the said Court, or by what other name or names the said office or offices" are called. He shall have these offices in as ample a manner as the present patentee, Sir John Temple, "except only what doth give any power of judicature, which is wholly to be excepted thereout." The grant shall be for life immediately in reversion on the present tenure of the office by Sir John Temple, and on a grant of the office to Lord Chancellor Eustace, which the late King gave to Eustace in reversion upon Sir John Temple. This grant to hold good in spite of anything in

* This grant is inaccurately entered in the Signet Book; but I think its sense is fairly represented by this entry.

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the statute of 10 Henry VII., which forbids grants for any longer period than during pleasure. *P.* 1. *S.P. Ireland* 318, *pp.* 11-12.

Also two drafts of same. *Pp.* 2 *and pp.* 1¼. *S.P. Ireland* 316, 61 *and* 62.

9 April. Dublin. The Lord Lieutenant to Secretary Bennet.

I am very glad to see from yours of the 2nd that our bill is in a fair way of despatch, and that the King is fixed in his resolutions and promises. If he should "for any respect be prevailed with to do otherwise, even those who might receive a present advantage by it could not be sure how long they should enjoy that or anything else; and sure it is safer (though perhaps it be no proper assertion for Easter Eve) to undo men thoroughly and at once than to keep them in long apprehension of it." I have taken all the pains I could, and the best advice, to enable me to decide who the Irish are who most deserve the King's grace of restitution, and I hope that a few days will finish what I can do in the matter. Please ask the King whether he will let me have an authentic warrant for it and for nothing else. It neither is nor can be a secret that the King will require information in this particular, and then I forsee no objection against what I propose. "I no way question but that divers of the Pale will be in the number I shall present to the King. But there may be others that will deserve as high a place in the list as any of them."

I am glad of any advantage His Majesty designs to "Harry O'Neile," and shall not be sorry he should have a particular proviso so it be consistent with the rule I have so much celebrated at the beginning of this letter. As well as I love him I must say that though it was not possible, owing to former and later directions, to give him the *custodium* he had order for, he is no worse off than many others who have as good a claim as he to consideration, "having as I am assured, a good and valuable scope of transplanted land in Connaught if he has not sold it.

Though I thank you very heartily for yours in your own hand, yet I scruple not to desire you to use it as sparingly as you can and only when another's cannot be so well trusted; and this will amount to thanking you for giving it rest so long. Yet I think I shall be constrained to provoke you once more to the exercise upon the last part of yours in your own hand, not to importune for the thing desired, in which I am indifferent enough, but for some further light into the reason of the difficulty which, unless it may be known and removed, the person may not be so fit as I take him to be for the trust he has." *Pp.* 2½. *Signed. Endd. S.P. Ireland* 316, 63.

9 April. Dublin Castle. Sir George Lane to the Same.

I returned yesterday from the country where I have been for almost a month and received yours of 26 March. I shall forthwith

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observe your directions as to your *custodiums* [*sic*]. The Lord Lieutenant intended to have written himself concerning the enclosed petition, which he commands me to transmit to you; with a request that, after you have conferred with the Earl of Anglesey, you will take order that the security therein proposed be forthwith taken and the farmers indemnified for delay alleged to be occasioned by some defect in the order for taking their bonds. *P.* ⅜. (*Hol.*). *Add. and superscribed:* "Hast, Hast; Post Hast. G. Lane." *Endd.:* R[eceived] 16. *S.P. Ireland* 316, 64.

12 April. ENTRY of the KING to the LORD LIEUTENANT for the DUKE OF YORK and LORD FITZHARDING.

By our letters of 25 February, 166¾, we required you to grant to the Duke of York a *custodium* [*sic*] of so much lands in the cos. Dublin, Kildare, Louth and Cork as he has lost by decrees of the Court of Exchequer and the Court of Claims there. A doubt has arisen as to whether these letters can be effective in regard certain persons have received from us *custodiums* [of these lands?] to be held till they be reprized of their pretended incumbrances. We authorise you to forthwith duly revoke all such *custodiums* and to grant the *custodium* to the Duke of York, any former orders to the contrary notwithstanding. Provided always, and it is our express will, that the several grants made or intended to be made to Charles Viscount Fitzharding pursuant to our letters in his favour of 10 October and 23 December, 1663, be saved from the operation of this grant. This to apply so that he may have the full benefit intended to him by those letters. *P.* 1. *S.P. Ireland* 318, *p.* 13.

Also draft of same. *S.P. Ireland* 316, 65.

19 April. SAME of SAME to SAME.

The time for examining persons who claimed innocency under the Act of Settlement expired before all the persons who had claimed it could be heard. We have resolvèd to place in the bill now transmitted to us from Ireland the names of all those who have right to our favour and grace to be restored. We cannot receive a better or clearer account of such persons so pretending than from you who have so long and well governed Ireland. You shall therefore send us a list of such persons as in "your observation have appeared most capable of our grace and favour to be inserted in the bill, with such instances, degrees and qualifications of their respective merits as you conceive may conduce to our better direction and information therein." *P.* ¾. *S.P. Ireland* 318, *p.* 15.

[19 April.] NOTE of pass for forty stoned horses, mares or geldings to Ireland free of custom for use by the Lord Lieutenant. *Two lines. S.P. Dom. Entry Books XVI. p.* 102.

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19 April. Whitehall. COPY of NOTE on the KING'S pleasure in the case of the MARCHIONESS OF ANTRIM.

The King, on reading the petition of the Marchioness of Antrim, declared his dislike of the irregular proceedings used, as she alleges, against her, and recommends her petition to the Lord Lieutenant, to the end his Grace may take speedy care that the petitioner or "their tenants" be not disturbed, or any waste committed or rent taken up until the petitioner be legally evicted. Any rents received by colour of these irregular proceedings shall be restored, subject to being refunded if the petitioner be legally evicted.

P. ½. *Signed* (*not autograph*) *by* Secretary Bennet. *Underwritten:* "A true copy." *Endd. S.P. Ireland* 316, 66.

21 April [?] NOTE of a letter to the LORD LIEUTENANT for Lord Dungannon to be Governor of Ulster, except Antrim and Carrickfergus. *S.P. Ireland* 318, *p.* 16.

23 April. Whitehall. The KING to the LORD LIEUTENANT for THOMAS EUSTACE, of Confey.

Nicholas Eustace, of Confey, made a settlement of his estate long before the late war, whereby it was settled in remainder upon his grandson, Thomas Eustace, and his heirs, with other remainders over. Nicholas and Thomas have been adjudged innocent by the Court of Claims, but Thomas was so young at the time of the outbreak of the rebellion that there is some doubt as to whether he shall have the benefit intended by the Act of Settlement for inhabitants of the city of Dublin. You shall inform the Commissioners of Settlement that we think well that Thomas Eustace enjoy all his houses and estate in the city of Dublin and town of Drogheda, as if he had been an actual inhabitant thereof.

P. ¼. *S.P. Dom. Signet Office VI. p.* 38.

Also note of same. *S.P. Ireland* 318, *p.* 16.

23 April. Dublin. The LORD LIEUTENANT to the KING.

The Lord Chancellor tells me that your Majesty will direct that the amendments intended to be placed in the bill sent hence will be submitted to me before it is put into the form in which it must be submitted to Parliament. I am very grateful that your Majesty has resolved upon this course, and shall do my utmost that the settlement upon which you have spent so much care may be a satisfactory one. I wish that when these amendments come I may receive leave to go back with them and with what observations I may have to make upon them, assuring your Majesty that, however passionately I desire to attend your Person, I will not make use of that leave unless I am sure that I may do so without danger to your affairs here, and with probable advantage to them. I think my going may probably be the best prevention of disturbance in any sort of people here. It is my duty to make this submission to you. *Pp.* 1¼. (*Hol.*). *Endd. S.P. Ireland* 316, 67.

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23 April. ENTRY of WARRANT to the ATTORNEY-GENERAL or SOLICITOR-GENERAL of IRELAND in favour of PATRICK RUSSELL and CON MAGENIS.

To prepare a bill for pardoning Russell and Magenis for all offences committed by them in England or Ireland with restitution of lands, &c., and omitting the exception as to rebellion in Ireland. *Five lines. S.P. Dom. Entry Books XVI. p.* 105.[1]

24 April. Dublin. The LORD LIEUTENANT to SECRETARY BENNET.

Lord Inchiquin, finding that his letter founded on the King's directions is under a stop, has determined to go over to see what the obstacles are and if he can remove them. He asks me for a letter and I send this to say that, unless it be this way, I can find none to offer for his advantage in pursuance of His Majesty's pleasure concerning him. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 68.

25 April. Dublin. SAME to SAME.

I have received the King's authority for enlisting persons to be nominated in the bill together with His Majesty's warrant for transporting forty horses, for which I am grateful.

I expected to hear more from you concerning the person mentioned in your own hand in the conclusion of your letter of the 2nd of this month. But as I have asked for leave to come to Court (wherein I desire you to obtain for me promptly a signification of the King's pleasure), I do not discuss the matter further. When I have the honour of kissing the King's hand I hope to be able to satisfy him with regard to that person. *P.* ⅘, *in* Lane's *hand. Signed. Add. Endd. Ibid.* 69.

25 April. Dublin Castle. SIR GEORGE LANE to the SAME.

I consulted with Sir Robert and Sir Henry Talbot in regard to your *custodium*, thinking that, as you were pleased to tell me, they had received an intimation to confer with me in that affair. They said, however, that they had none, and I know not whether they will join me in doing you that small service; but if they or Mr. Lye tell me how to serve you I shall be happy to do it.

I am obliged for your proposition that I should suggest something which, by your favour, might be of advantage to me. I shall endeavour to find out something, and suggest it to you, being very confident of your "propension" to show me a fitting favour. *Pp.* 1½. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 70.

26 April. Dublin. The EARL OF ORRERY to the SAME.

I met the Lord Lieutenant at Kilkenny and thence, by his express command, attended him hither, to contribute my poor endeavours

(1) *See above, p.* 381, at 26 March, 1664, for a similar warrant and entry.

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towards settlement of this kingdom on the new bill, a copy whereof we now daily expect. Here I met your letter of the 19th, for which I heartily thank you. "You may be sure that I will never pay any money which shall be brought in by the adventurers till what is given you out of that fund by His Majesty's letters be first satisfied"; and I am sure that, if any payment in Ireland is secure, theirs will be so.

I have met here some letters which call for my presence in England and the Lord Lieutenant has given me leave to go; so I shall only wait for the bill, give my sense on it, and then cross; and shall soon have the honour to kiss your hands in London. *Pp.* 1¼. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 71.

* Petition to the King of Edmund Dillon, late of Streamstown, co. Westmeath, showing that:—

Petitioner and his deceased father were loyal to the Crown during the late wars and in the time of the usurper. Petitioner was imprisoned in 1657, 1658 and 1659, because he manifested his loyalty when Oliver Cromwell was formidable at home and abroad. His loyalty had "sad and passive effects" for him; and the King, on account of his loyalty, consented that he should be specially named for restoration in the Act of Settlement and put in the same condition with the 36 persons named therein. He has not, however, yet been restored. He prays for a clause in his favour in the bill now to be transmitted to Ireland and that he may be given his estate "without further circuit." *P.* ½. *Underwritten with*—

26 April. Order, dated Whitehall, 26 April, referring the petition to such of the Commissioners of Claims in Ireland, or any three of them, as are now attending the King in London. They shall report thereon to the King, who will thereupon declare his further pleasure. *Signed by* Secretary Bennet. *Endd. Ibid.* 72.

About 27 April. Sir Nicholas Plunkett's paper concerning the decrees of the Commissioners of Settlement since 2 July, 1663.

By the Declaration of 30 November, 1660, all innocents are directed to be restored; and the Act of Settlement confirms the said Declaration and saves the right of innocents.

The ascertaining of a time for hearing them was to hasten their restitution. It was intended to favour them and not intended to debar them if emergent occasions should prevent their being heard in time.

The objection against the decrees given for innocents after July 2 is upon the obscure penning of the Act of Periods; wherein, nevertheless, the express letter of the Act warrants the decrees, "and where there may be a doubtful or double construction, all laws, human and divine, in favour of innocence will make that construction which is most for the innocents' advantage."

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The Act of Periods in the strictest construction intended twelve months for hearing of innocents, of which time there were but seven months and odd days employed therein by the Commissioners. "It were then a severe interpretation to make void any of the decrees past within the said seven months and odd days."

And, to whatever exceptions the said decrees may be subject, surely the King will not suffer so many innocents (the greatest number whereof are widows and orphans) to be lost, but will preserve their interest some other way, or at least allow them further time to be heard.

The King, by his gracious Declaration, which is the foundation of the Act of Parliament, directed all innocents to be restored; yet not above one-sixth of them has been heard, accounting the decrees excepted against into the number. It would indeed be hard to avoid the decrees of those already heard and to conclude the remainder without hearing.

In the bill transmitted out of Ireland, which is now being considered by the King, the interest of all those who have already been adjudged innocent by the Commissioners is saved. This is a clear approbation of the said decrees by the Lord Lieutenant and Council. *Pp.* 1½. *Endd. as in heading. Undated, but found with the following. S.P. Ireland* 316, 73.

About 27 April.

The State of the Proceedings of the Commissioners of claims in Ireland concerning their Decrees after 2 July, 1663.

The time for restoring innocent Papists by the Act of Settlement ended on 1 August, 1662 [*sic*], which was before the Commissioners came to Ireland.

By an Act "for enlargement of periods of time" it is enacted that the Lord Lieutenant and Council may by Acts of Council limit such time as they think right for adjudging, determining and settling the qualifications of innocent Protestants and Papists and reprizing such persons as shall be removed thereupon, so as the time so limited does not exceed twelve months next after the sitting of the Commissioners.

The first sitting of the Commissioners was on September 20, 1662.

The Lord Lieutenant and Council having by former acts of Council limited part of their twelve months for judging the qualifications of innocent Protestants and Papists, and it drawing to an end, and (upon conference had with the Commissioners) finding that the remainder of those twelve months would be too little for hearing the rest of the innocents, hereupon, by act of Council dated 7 May, 1663, reciting *verbatim* the clause in the Act of Periods whereby they were empowered to enlarge[, enlarged] the period for judging the qualifications of innocent Protestants and Papists to twelve months from 20 September, 1662.

This Act was signed by the Lord Lieutenant and several Councillors, signified to the Commissioners, and published throughout the kingdom.

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These twelve months (at 28 days to the month) did not end till 22 August, 1663, and the Commissioners by virtue of it, heard the claims and adjudged and determined the qualifications of divers innocent Protestants and Papists after 2 July and until 22 August, 1663, until which time no exception by the Lord Lieutenant and Council or any other person was taken to their jurisdiction. On the contrary, when they sent some doubtful cases concerning Papists in that interval to the Lord Lieutenant and Council, that body directed them (the Commissioners) to restore them (the Papists) as innocent, and took no exception on the ground that their cases had been heard after 2 July, 1663. Lastly, when a doubt arose on the matter, the Commissioners had a conference with the Lord Lieutenant who declared that in his opinion their decrees were equally good whether made before or after 2 July. *Pp.* 1½. *Endd. as in title and with date.* *S.P. Ireland* 316, 74.

[About 27 April.] REASONS why the DECREES after the second of July [1663] should not be objected to by the LORD LIEUTENANT and COUNCIL, or the ADVENTURERS and SOLDIERS.

The King in his Declaration (*p.* 26) declares that all innocent Protestants and Papists should be restored in the first place and (*p.* 11) that upon conference with several of his good subjects of the Irish nation who were concerned both as soldiers and adventurers, he found that they realised how much he was bound to certain obligations of honour and justice. They agreed that they should comply with both and freely consented to the conclusions in the Declaration.

A seventh part of those who claim upon innocency could not be heard within the time limited by the "Act of Periods," which act was passed by the Parliament of Ireland; and "the other seven parts" [are] never likely to be heard, but their estates will be enjoyed and divided amongst adventurers and soldiers and their assigns.

Five of the twelve months limited by the Act for restoring innocents were taken away before the Commissioners could sit to hear one of their claims.

Their hearing of claims after 2 July was warranted by the act of the Lord Lieutenant and Council of 27 May, 1663, which again was warranted by the Act of Periods. The Council never countermanded this direction or opposed the sitting of the Commissioners after July 2.

The adventurers and soldiers in possession of the lands of innocents opposed their innocency by their proofs at the hearing of the claims all they could. Nevertheless they were adjudged innocent, and no objection was taken on the ground of want of jurisdiction.

Doubtful cases were referred, after July 2, by the Commissioners to the Lord Lieutenant and Council and returned to them with directions.

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The adventurers and soldiers, if they can overthrow these decrees, will have the innocents' estates. They are therefore interested and partial.

They will enforce those who, by these decrees, are in possession of their estates to defend these by force, to the peril of the public peace.

They thus weaken the credit of the Declaration and Act of Settlement, if innocents, after so many provisos and professions, shall be turned out of their estates when they had taken the trouble to prove their innocency against those who contested it.

The English judges to whom the adventurers appealed have delivered no opinion against the decrees, and therefore those who oppose the decrees oppose the King's determination in Council.

They may enforce those to a desperate condition who, notwithstanding that they are proved innocent, have their estates taken from them and divided amongst those who oppose them. As there are numerous cases of this kind a breach of the peace may follow.

The King has made large and gracious concessions to them in the Declaration and Act of Settlement, and in the construction he has lately given to the words "have been and are of the army." There is therefore no reason why they should oppose the King's act of justice towards innocents who have been loyal to his Royal father and himself.

Decrees and orders in the King's Courts are to be presumed good until some error appear. No error has, after strict examination by the judges of England, been found in these decrees. It is therefore more than a presumption that they are good and, as counsel for them has already been heard, it is held best to decline the further hearing of any counsel therein. So much for the legality of the decrees.

If equity be considered, those who have been adjudged innocent have formerly suffered much misery in the time of the usurpers for their loyalty. They have been at great expense in the proof of their claims. They [are] put off the farms where they formerly dwelled and live on lands which have been decreed to them. Many of them are widows and orphans, and, if their decrees are now upset, know not where to betake themselves.

Some of those who obtained the said decrees have made long leases and received fines; some have made sale of their interest and levied fines. It would be a great confusion to the King's subjects if these decrees were declared void to the disturbance of the purchasers.

Other details similar to points already mentioned.

After so great a discussion the said decrees should in prudence be confirmed even for the advantage of the adventurers and soldiers who lost their estates by these decrees and cannot expect reprisals for the same so long as they pretend to avoid the decrees of which they complain. The time for reprising them under [the old act] being elapsed, it is certain that they will vote for the new one, under which, alone, they can hope to get reprisals. *Pp.* 3½. *Followed by—*

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REASONS why HIS MAJESTY in justice, honour and prudence is to be induced to direct that the ACT now under consideration declare valid the DECREES made for INNOCENT PAPISTS after the second of July [1663].

1. The Declaration, page 26, declared that innocent Protestants and Papists should be restored, and defined innocent Papists. Those for whom decrees were made after July 2nd, have proved themselves to be within that definition to the satisfaction of the Commissioners.

2. On page 27 of the Declaration the King declares that his favour and mercy are designed to turn the wicked from their wickedness and encourage the good in their loyalty. If those decrees made since 2 July are set aside, and if no more of the claims of innocents are heard, this declaration is not fulfilled.

3. The estates of innocent Papists cannot be divided among Adventurers and soldiers without direct violence to the provisions of the Act of Settlement.

4. The English judges, having considered them on a reference by the King, have delivered no opinion against the decrees.

5. It will not encourage loyalty in the King's subjects if those who are loyal have their estates given to persons who can make no claim to that virtue. If these loyal men are turned out, they will be reduced to a condition of want and misery which may make them desperate. *Pp.* 1⅓. *In all, pp.* 4½. *Endd. S.P. Ireland* 316, 75.

27 April. Dublin Castle. The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

We gather that the reason why the question of the validity of the decrees of the Commissioners of Settlement after 2 July, 1663, is not submitted to the judges of England is because it is believed that those decrees ought not to be questioned in regard the Commissioners were led to continue their session after July 2 by the order and advice of ourselves.

For the King's information on this particular, and to absolve ourselves from the charge of having interposed where, as we think, we had no right to interpose, we may say that as we always countenanced the Commissioners in the performance of those duties with which they were entrusted, so we never interfered in any way with the performance of those duties except in cases which they referred to us. In these we from time to time gave them such directions as we believed to be in pursuance to the Act.

We also recall to the King's mind, and send a copy of, the Act of Periods [*title fully set out*] which was passed in the present Parliament here. Under this Act we, by an Act of Council dated 27 May, 1663, and by other Acts, which you will find cited therein, enlarged the periods of time. We were careful not to state when we considered that the periods enlarged would, but for such enlargement, have ended. Although we observed that they were proceeding after 2 July, we did not think it was within our province

to raise any objection. Nor did we do so. And lest some communications which passed from us to the Commissioners concerning cases with which the Commissioners dealt after July 2, should be wrested to prove that we "gave order" for their proceeding as formerly, we may say that we, seeing them to have no scruple in that point, gave our judgment on those cases after 2 July, and only in reference to the merits of the cases submitted to us but not in reference to time.

Please communicate these letters to the King. *Pp.* 2½. *Signed by* the Lord Lieutenant and fifteen members of the Irish Privy Council. *Add. Endd. S.P. Ireland* 316, 76.

29 April. Dublin. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I thank you for yours of the 12th and 16th and your intelligence of the 23rd, received yesterday. Your letter concerning Lord Fitzharding has had its effect and the Lord Lieutenant constantly notices with what care you keep him informed. *Other details.* *P.* ¾. (*Hol.*). *Add. Endd. in* Williamson's *hand. Ibid.* 77.

Same. The LORD LIEUTENANT to SECRETARY BENNET.

I thank you for yours of the 23rd, and hope we may soon have an answer to the letter from myself and the Board which I send herewith. I send a letter for making Lord Dungannon Governor of Ulster. It is in accordance with the draft I sent you on 25 February last. Please submit it to the King as recommended by me. *P.* ¾. *Signed. Add.* "For yourself." *Endd. Ibid.* 78.

30 April. ENTRY of the KING to the LORD LIEUTENANT.

We understand that there are several great sums of money due to us for tonnage and poundage and for the water duties of Excise and new impost and also upon other goods unsold and not cleared, and for the Inland Excise in Ireland, which may in some short time be recovered and paid into the Court of Exchequer there. We need £10,000 for our special service to be supplied with all convenient speed. You shall therefore cause the Chief and other Barons of the Exchequer there and the other officers of the Exchequer to use all speedy and effectual means and courses for levying these arrears, and, as they shall come in, to keep £10,000 out of them for our necessary occasions. No charges payable out of the said arrears shall be paid till this £10,000 has been paid according to our orders. You shall give order to all the officers of the Exchequer to see that this sum is laid aside for our special occasions, and to pay out nothing till this money has been received and paid as we may prescribe. *Pp.* 1½. *S.P. Ireland* 318, *p.* 19.

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4 May. Council Chamber, Dublin.

The LORD LIEUTENANT and COUNCIL to SECRETARY BENNET.

We transmit an Act entitled an "Act for the Uniformity of Public Prayer and administration of Sacraments and other Rites and Ceremonies and for establishing the form of making, ordaining and consecrating Bishops, Priests and Deacons in the Church of Ireland." We pray you to submit it to the King with our humble desire that he may be pleased to return it with all convenient speed. *P.* ½. *Signed by the* Lord Lieutenant, the Archbishop of Armagh, and eight members of the Council. *Add. Endd. S.P. Ireland* 316, 79.

PETITION of RICHARD, EARL OF CORK, to the KING, showing that:—

The King has appointed petitioner High Treasurer of Ireland with all the perquisites belonging to the post.

The Lord Lieutenant, judging that it was for the King's service that the petitioner should relinquish and resign many perquisites belonging to the said place, asked the King to make his entertainment 20*s.* a day. This was agreed to and letters patents were given accordingly, but the petitioner can derive no benefit from the grant unless it be inserted in the civil establishment of the kingdom.

He prays that it may be inserted accordingly. *P.* 1. *Underwritten with—*

4 May. Order, dated 4 May, 1664, Whitehall, granting the petition. *Signed by* Secretary Bennet. *P.* 1. *Endd. Ibid.* 80.

5 May. Dublin.

The LORD LIEUTENANT to SECRETARY BENNET.

I am glad to hear that the King will permit me to attend him; and feel that my visit may conduce to a settlement of our difficulties in this country. I hope also to have an opportunity of talking with my friends of whom you have always been one. I hope to prove this to you, however inconsiderable you may think it. *Other details. Pp.* 1½. (*Hol.*). *Add.* "For yrself." *Endd. Ibid.* 81.

Same.

SIR GEORGE LANE to JOSEPH WILLIAMSON.

Thanking him for his news of April 30. *P.* ½. (*Hol.*). *Add. Endd. in* Williamson's *hand.*[1] *Ibid.* 82.

[1] So many of the following letters are endorsed in this hand that it is not thought necessary to further repeat it.

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6 May. Whitehall. The KING to the LORD LIEUTENANT on behalf of the COUNTESS OF CORK and LORD TUFTON.

Richard Boyle, Esq., and Richard Graham, gentleman, have, by and with the consent of Richard Lord Clifford, Earl of Cork, Elizabeth Countess of Cork, his wife, and Nicholas Lord Tufton, surrendered to us the manor or reputed manor of Barden, and the forest and parks of Barden and other lands, &c., parcel of the manor of Skipton in Craven in Yorks. Sir John Tufton, Kt. and Bt. and Sir Henry Jones, Kt., have also with such consent granted and surrendered to us the castle and manor of Skipton aforesaid and the castle and manor of Appleby and various other manors, parks, forests and hereditaments in Westmoreland, formerly granted to Francis, late Earl of Cumberland. These surrenders were made, so that the several precedent estates made and limited of and concerning the said manors and premises (the reversion thereof being in us) should not be barred or cut off, but be protected and preserved by keeping the said reversion in the Crown. We declare that we will not hereafter grant these manors, premises or any of them or the reversion or reversions thereof to any person or persons whatsoever without the consent of the said Countess of Cork, Lord Tufton and their heirs. Our principal Secretaries of State and Attorney and Solicitor-General are to take special notice of this warrant, which shall remain as a *caveat* with them and in such other places as may be necessary. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 39.

Also entry of same. *Pp.* ¾. *S.P. Dom. Entry Books XVI p.* 123.

6 May. ENTRY of LICENCE to the LORD LIEUTENANT.

We have decided that you should come over here to inform us on sundry important affairs in Ireland and to receive our pleasure therein.

We therefore hereby authorise you to come over here forthwith. By the powers contained in your patents of appointment dated 21 February, 1662, you may appoint in our name such a person as Deputy as you think fit; but your own authority as Lord Lieutenant is to remain unrevoked and this shall be set out in the patents you give to your Deputy. If you should find any "indisposition of your body to come hither" or if any reason of state should arise to keep you in Ireland we leave you a free discretion as to whether you shall go or stay. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 17-18.

Also copy of same. *Pp.* 1½. *Endd. S.P. Ireland* 316, 83.

General date 8 May. DOCUMENTS RELATING TO THE CASE OF MAJOR ALEXANDER STAPLES.

The Lord Lieutenant to Secretary Bennet.

I formerly wrote to you about the concern of Major Alexander Staples who is not yet come to trial about the troubles endeavoured

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to be raised last year in the kingdom. I now send you enclosed his petition lately presented to me together with a certificate of many considerable and creditable persons, several whereof have applied to me in his behalf. They think that, if the King extends his grace towards him and "leaves him in a capacity," he will afterwards be of service to him. I thought well to tell you this. *Pp.* ¾. *Dated* 8 May, Dublin Castle. *Add. S.P. Ireland* 316, 84. *Enclosing*—

Copy of Petition of Major Alexander Staples to the Lord Lieutenant, showing that:—

Petitioner "has been long in restraint from which he is desirous to be freed on no account so much as thereby to be in a better capacity of expressing his unfeigned repentance for past miscarriages" and of manifesting his future loyalty to the King. He served the King and protected loyal subjects, as by the annexed certificates will appear. He mentions this merely as a matter of compassion and not as one of merit. P. ⅔. *Endd. Ibid.* 84, 1.

Certificate by Lord Ranelagh, Lord Kingston and others in the case of Major Staples.

We are informed and many of us know that Major Staples was very active towards the King's restoration and, in the late times of usurpation, did all he could to help the King's truly loyal subjects. P. ½. *Signed. (Hol.).*

F. Ranelagh.
Art. Forbese.
Robt. Maxwell [?].
Ca[ry] Dillon.
Thos. Longueville.
Ro. Warde.
Milo Power.
Kingston.
John Clogher.
Hans Hamilton.
Rich. Lane.
Abraham Yarner.
Theo. Jones.

P. ½. *Endd. Ibid.* 84, 2.

Similar certificate by Lord Dillon.

Certifying the facts as above. Major Staples especially helped to preserve Lord Dillon's wife when she was brought to trial by the late pretended power. P. ½. *Signed and sealed. Dated* 11 *April*, 1664. *Ibid.* 84, 3.

This concludes the documents relating to this case.

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9 May. Dublin. The Lord Lieutenant to the King.

I am grateful for your Majesty's of the 3rd, and am preparing so to settle your affairs here that your service may not suffer by my absence. If I find any danger in my going I shall not go. "It is lately come to my knowledge that Sir George Lane stands charged before your Majesty with having received and being to receive a sum of money—I think £300—for a recommendation from me to your Majesty, in the case of one Thomas Eustas." I say no more than to beg your Majesty to suspend your judgment in this matter till he and I have been heard in it. I join myself in it "because that though he may have been guilty and I innocent, yet the contrary may be suspected and hardly disproved," and, at best, I stand charged with being much and very long mistaken in the man. In the meantime I am glad to find that "such corrupt traffiquing for your Majesty's grace and bounty to your people is known to be detested by you, as surely it ought to be. God long keep your Majesty to dispense your justice and bounty to your people as they ought to be and as God does his. *Pp.* 1½. (*Hol.*). *Endd. S.P. Ireland* 316, 85.

9 May. Dublin Castle. The Same to Secretary Bennet.

The bearer, Colonel Richard Grace, having served His Majesty with signal loyalty and fidelity both at home and abroad, and having proposed to me the enclosed draft of a letter to be by you offered to His Majesty's consideration, I could not deny his request. Please present it to the King in order that the blank may be filled up according as His Majesty may desire to grant him. *P.* ½. *Signed. Add. Endd. Ibid.* 86. *Enclosing*—

Draft of the King to the Lord Lieutenant for Colonel Richard Grace.

Anxious to reward Colonel Grace for his services to Charles I. and ourself, we direct you to cause letters to pass containing a grant to him of so much of the chief rents due out of lands, &c., in Ulster or Leinster, due to any person who has forfeited his right therein as shall amount to £ , and of the arrears thereof since Easter, 1662, *to be made certain by one or more* constat *or* constats *or certificates from the Master of the Rolls out of the patent or patents or other matter of Record whereby the rents, reservations and duties are reserved or made payable to any person who has forfeited his rights thereto, or by certificate of the Auditor-General or inquiry by office by virtue of a commission under our Great Seal, which shall be issued if desired. Colonel Grace shall name in writing the lands out of which he wishes to have such head rents, and his list of them shall be enrolled in the office of the rolls of Chancery. Beneficial clauses to be inserted. Pp.* 1½. *Endd. Ibid.* 86, 1.

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9 May. Dublin Castle. SIR GEORGE LANE to SECRETARY BENNET.

The Lord Lieutenant thanks the King for his letter and will write at the next opportunity. I thank you for your kindness and shall try to prove my gratitude, and to deserve your favour. *P.* ⅔. (*Hol.*). *Add.* "For yourself." *Endd. S.P. Ireland* 316, 87.

11 May. Whitehall. The KING to the LORD LIEUTENANT for PETER HARVEY and OTHERS.

By two Acts for improving the King's revenue upon granting of licences for the selling of ale and beer and for settling the Excise and new impost upon the King and his heirs according to the book of rates therein inserted, the said duties are confirmed to us, our heirs and successors. It is judged convenient that the business of ale and beer licences should be managed jointly and together with that of the excise of beer, ale, *aqua vitæ* and strong waters; and it is most for the improvement of these revenues that they be farmed, and not kept under collection. The benefit accruing to us by the issuing of licences for selling ale, beer, &c., is farmed and leased to Roger Earl of Orrery, and John Lord Kingston, till 26 March, 1665, at the rate of £36,000 a year, upon confidence that the said farm will be further continued to them at the same rate for six years, from 25 March, 1665, and that they and their assignees alone be appointed Commissioners for the management of the Inland Excise in and throughout Ireland in the fullest manner, provided that they may relinquish the same in case contagion, pestilence or war should arise in the country at such reasonable abatement of rent as the Lord Lieutenant and Council think just. The Earl of Orrery and Lord Kingston have resigned their interest herein to Peter Harvey, Alexander Bence, John Blyth, and William Dodson, whom we approved as fit persons to take and manage the said farm. You shall cause patents to pass under the Great Seal containing a grant to these persons of the profits arising from the granting licences for ale and beer and for the excise of beer, ale, *aqua vitæ*, and strong waters during the period of six years from 25 March, 1665, at a rent of £36,000 a year. Favourable clauses. *Pp.* 2. *S.P. Dom. Signet Office VI. pp.* 39, 39*d and* 40.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 16.

Same. SAME to SAME for THOMAS LUTTERELL.

Directing that he be restored to his estate at the rent paid in 1641, and no more. *Beneficial clauses. P.* 1. *S.P. Dom. Signet Office VI. p.* 67*d.*

Also note of same. *S.P. Ireland* 318, *p.* 16.

About same. MEMORANDUM by the LORD LIEUTENANT and COUNCIL.

By two recent Acts—one for improving the King's revenue upon granting of licences for selling of wine and beer, and the other for

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settling the excise and new impost upon the King and his heirs and successors according to the rates therein inserted—the said duties are confirmed to the King and his heirs and successors. It is convenient and necessary that the business of ale and beer licences should be managed jointly and together with that of the excise of beer, ale and strong waters; and it is most for the improvement of those revenues that they be put in farm (as the Inland Excise at present is till 25 December next) rather than kept under collection. Roger, Earl of Orrery and John, Lord Kingston have contracted for the farm of ale and beer licences for one year from Easter, 1663, at the rate of £6,000[1] and have offered, for the farm of the said ale and beer licences and the excise of beer, ale and strong waters for seven years from Easter, 1664, the sum of £33,000 yearly during that term, to be paid in like manner by equal quarterly payments in the Exchequer with condition that the said Earl of Orrery and Lord Kingston may, during the respective terms aforesaid, enjoy the profits accruing to the King under the said Acts, subject to payment of the aforesaid rent; and shall be the sole Commissioners for giving new licences and for managing the Inland Excise throughout Ireland with the fullest powers prescribed by the Acts.

We recommend this contract to the King as for his service and request that, if it seem good to him, we may be authorised to proceed therein. It is a condition of the contract that in case of war, pestilence or contagion, the contractors may either abandon the farm or continue it upon terms of such a reduced rent as the Lord Lieutenant shall think fit. *Pp.* 1⅔. *Endd. S.P. Ireland* 316, 88.

11 May. Council Chamber, Dublin.

The Lord Lieutenant and Council to Secretary Bennet.

On 4 September last we transmitted to the King an Act for provision for ministers in cities and corporate towns and for making the Church of St. Andrews in the suburbs of the city of Dublin presentative for ever. We further signified to you our said transmission. We hear that the Act has been allowed by the King and ask that, if so, it may be re-transmitted here.

We hear it is already far passed, and therefore ask that it and other Acts from time to time sent over there may be considered by the King, and that so much of them as is thought fit by him may be sent back as soon as may be. *P.* ⅔. *Signed by the* Lord Lieutenant and eleven Councillors. *Add. Endd. S.P. Ireland* 316, 89.

11 May. Whitehall.

Entry of the King to the Lord Lieutenant and Lord Deputy for Marcus Trevor, Viscount Dungannon.

We have appointed Viscount Dungannon Governor of Ulster, except the county of Antrim and "the town and city of Carrickfergus." You shall give him the command of all the garrisons

[1] Note the difference between this sum and that mentioned in the foregoing.

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of the province by commission under the Great Seal of Ireland, to be held with full and usual privileges during our pleasure. He shall have power to appoint a Deputy. *P.* 1. *S.P. Ireland* 318, *p.* 32.

18 May. Dublin. The Lord Lieutenant to Secretary Bennet.

I have yours of the 7th and that of His Majesty concerning my attendance upon him. I find that, by the preparations I have to make and the things I have to take with me, it will be a fortnight or thereabouts before I can go over. If before that time the amendments to the bill are sent and overtake me here, I may be prepared to give the King my opinion concerning them or—if that may not be—I shall prepare as well as I can without those amendments.

When I signed with the Council the letter of 29 April as to the period that ought to be put to the Commissioners sitting and determining claims, I did not understand it to be contradictory to what the King had judged upon hearing that point debated. I was careful from the beginning, and in that letter, to avoid expressing any opinion on that matter. But discovering that the King's determination in the matter was due to a belief that the Commissioners had received countenance, from something that had passed at the Board, for their proceedings during that time, and this belief being unfounded, we thought it well to offer His Majesty a "punctual and bare narrative" of what had passed, though without endeavouring to determine the point one way or the other.

For your own affair, I am still ready to do what belongs to me that you may have the effect of the King's letters in your favour. But I find, by George Lane, that since I signed the warrant for making out particulars for you, your agents have applied for further orders. I shall readily give these when I am desired. *Pp.* 1⅔. *In Lane's hand. Signed. Add. Endd. S.P. Ireland* 316, 90.

14 May. Dublin Castle. Sir George Lane to the Same.

On the 11th I received your favour of the 7th; and though when I first spoke to Sir Robert and Sir Henry Talbot they assured me I should hear from them how I might do you the service you may justly expect from me in your concerns, as soon as they should receive your further instructions, I have received no further news from them. Unless I hear from them soon I shall not be able to serve you as I wish. I shall try to bring with me some proof of my readiness to do so.

P.S. with further details. *In all, pp.* 2. *(Hol.). Add.* "For yrself." *Endd. Ibid.* 91.

14 May. Sir James Shane to Joseph Williamson.

Sir Martin Noel desires me once more to trouble you about the alteration of Mr. Secretary's private letters to his Grace, which I

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entreat may be done as near as may be according to this altered copy thereof, that this night I may be able to send it after Dr. Gorges to Chester.

P.S.—This was sent on Saturday last, but you were not in your office. Pray have the contents ready for to-morrow night's post if possible. *In all, p.* ½. *(Hol.). Add. Endd. S.P. Ireland* 316, 92.

16 May. Council Chamber, Dublin.

The Lord Lieutenant and Council to Secretary Bennet.

When the King named his Commissioners for putting the Act of Settlement into execution, I the Lieutenant, by His Majesty's direction, wrote to the Justices here on 15 April, 1662, and signified that the King thought it well they might have convenient lodgings near together in Dublin and that the Justices should appoint some person to find diet for them, and furniture, utensils, &c., to the extent of £25 a week, which the King intended to allow them.

The Justices, in consequence, on 16 June, 1662 gave warrant to the Vice-Treasurer out of the King's treasure to imprest to Thomas Crowe £154 11*s.* to be used by him for buying several necessaries for the Commissioners.

On 15 September, 1662, I and the Council gave warrant to the Vice-Treasurer here to pay £25 a week from 5 August, 1662, to the Commissioners for diet and lodging. As this sum fell short by £3 15*s.* a week of what was necessary, we, on 15 September, 1662, gave order for the payment of that additional sum as from 5 August, 1662.

Before the Commissioners arrived lodgings had been taken for them and their servants, at a cost of £97 odd. We ordered that sum to be paid to Crowe, for payment out by him, on September 15, 1662. The whole sum expended in advance came to £251 odd. The £28 15*s.* a week from 5 August, 1662, to 5 May, 1664, comes to £2,616 odd, so that the total is £2,868 odd. The sum of £28 15*s.* has been from time to time issued by the King for the support of the Commissioners to 18 April, 1664, and continues still payable to them, but there are not—as the Vice-Treasurer's deputy informs us—any letters issued under the King's signature and signet declaring the King's pleasure that the same should be accounted to be over and above the yearly allowance designed by the establishment for extraordinaries by *concordat*, it being too great to be charged on that allowance. Such letters are needful.

We think it right to let the King know that there will be several extraordinary charges upon the holding of Parliament in this kingdom, which are too great to be charged on the yearly allowance designed by the establishment for *concordatums*.

We find that in the time of the Government of the late Earl of Strafford in Ireland, the late King by letters of 7 August, 1636, took notice of certain charges as being too great to be laid on the yearly allowance of *concordatums*, particularly the charge of the

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plantations of Connaught and the holding of a Parliament. He therefore directed payment of these expenses, as you will find by enclosed copies of the letters.[1]

We think the King should in the present case give a like direction. *Pp.* 1½. *Signed by* the Lord Lieutenant and ten Privy Councillors. *Add. Endd. S.P. Ireland* 316, 93.

20 May. Whitehall. ENTRY of the KING to the RECEIVERS of the ADVENTURERS' MONEYS for JAMES HAMILTON.

We are grateful for Hamilton's loyal services and direct that he be paid £2,000 out of the second payment by the adventurers. You shall get his receipt therefor, &c. *P.* 1. *S.P. Ireland* 318, *pp.* 20 *and* 21.

Also draft of same. Dated 2 May. *Pp.* 1½. *Endd. S.P. Ireland* 316, 94.

28 May. Whitehall. The KING to the LORD LIEUTENANT for BARON POVEY.

We are informed that in our civil list lately sent to Ireland the salary of several of our puisne judges is raised to £300 a year, and yet that the entertainment of John Povey, our third Baron of the Exchequer there, is only £133 6*s.* 8*d.* Although this entertainment, together with a yearly fee paid by the sheriffs to the third baron, was formerly equal to that of the other puisne judges, yet it now falls short by £80 of the entertainment of the other judges, although the jurisdiction is the same as, and the pains taken greater than, those in our other Courts. Povey has been efficient in his conduct of the business of that court and zealous in bringing in our revenue and preserving our just rights. "It is for our honour and service that these our servants may have allowances competent for their encouragement and support, and to preserve a respect to their persons in the opinion of the people and of our service from the neglect of persons of learning and merit." We have, therefore, decided to raise Povey's salary to £220 a year, which, with his fee, will be equal to the salary of the other puisne judges. You shall give order accordingly. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 40*d and* 41.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 25.

28 May. Dublin Castle. THOMAS PAGE to JOSEPH WILLIAMSON.

Recommending the bearer, a merchant who has a business which cannot be brought to a good conclusion without effectual recommendation from the King. If helped, this person "knows not how to be ungrateful." *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 95.

(1) Missing, but *see Cal. of S.P. Ireland* 1633-47, *p.* 139.

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28 May. Whitehall. ENTRY of the KING to for CAPTAIN BABIDGE.

Upon a reference to our Chancellor of the Exchequer here it appears that £ are due from us to Captain Gregory Babidge upon account of the damage sustained by him in houses of his in the garrison of Weymouth in the county of Dorset, which houses were by our order demolished for the better fortification of that place. The Chancellor of the Exchequer has also certified to us the great services of Captain Babidge, in the garrison of Weymouth, whereof the said Chancellor was then Governor and an eye witness. We are anxious to reward Babidge, but are informed that a sum sufficient for that purpose cannot be spared from our Exchequer. We therefore require you to satisfy the said debt and damage out of such houses of innocent Papists in corporations in Ireland as are vested in us by the Act of Settlement and are to be disposed of by us at our pleasure. You shall appoint Commissioners to estimate how many houses will reprize him for these losses and for forbearance, and satisfy him accordingly. *Pp.* 1⅓. *S.P. Ireland* 318, *pp.* 23-25.

31 May. Whitehall. The KING to LORD CHANCELLOR EUSTACE for WILLIAM TEMPLE.

On April 7 we directed the Lord Lieutenant to cause patents to pass appointing Mr. William Temple, Keeper or Master of the Rolls, &c., in Ireland; and we are informed that our said grant, having passed the several offices there, now lies before you to be sealed, but that you delay to pass the same until our further pleasure be known. We, therefore, bearing a special regard to the many good and faithful services performed by Temple, command you forthwith to seal the patent for his appointment. *P.* ⅔. *Ibid. pp.* 25-6.

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4 June. SIR ROBERT WALSH to JOSEPH WILLIAMSON.

I once saw with you half a dozen lines in my favour with the King's signature to them. I could not then pay the fees and so had them not; but if you will find it out and let me have it I will pay your fees. I think it was that I may have the possession of my houses in Waterford as well of my estate in the country, the Court of Claims having afforded me right. *P.* ½. (*Hol.*?) *Add. Endd.* "Sir Rob. Walsh." *S.P. Ireland* 316, 96.

4 June. Dublin Castle. THOMAS PAGE to SECRETARY BENNET.

I should have written before but that I have long since acquired a habit of not seeking my own advantage. I hope you will forgive me. My Lord Deputy now occupies the place of his father. I trust that any request I may in future present to you will receive your favourable consideration. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 97.

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6 June. Dublin. The Earl of Orrery to Secretary Bennet.

I am kept here by gout after the Lord Lieutenant has gone, but hope to start for London by this day week. The Lord Lieutenant asked me to think out the best means of a settlement for Ireland. I have tormented my brain "as much ye gout has tormented my feet." I think I have now lighted on some things which may do the work to the reasonable satisfaction of all interests and the which—I have ground to believe—will pass the Parliament here without much difficulty. I have not been unmindful of your interests in the closure of this settlement "and I may further whisper in your ear I have provided that my Lord of Antrim shall be restored to every foot of his estate." As such a settlement will soon be offered to you, I think it right to defer resolving on other ways till this I mention be thereby debated. I don't think any body ever reached so thoroughly into the bottom of things as I have done; and if my plan is not accepted at least my pains will have had a useful result in giving the King true information as to the present state of Ireland. He will thereby be "cleerlier" satisfied of what the results ought to be. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 316, 98.

6 June. Whitehall. Entry of the King to the Vice-Treasurer of Ireland for Sir Henry O'Neile.

Sir Henry petitions us showing that he has not received the benefit of our letters for restoring him to his estate and for the continuance and payment to him of an allowance of £800 a year until he should be restored. The payment is in arrear since May, 1662, and Sir Henry is unable to provide for himself and family, our former letters and our grant to him of a *custodium* of £1,000 a year having proved ineffectual. We recommend him particularly to your care. If you can pay him £600 at once we authorise you to do so, and shall regard such payment as a favour. *Pp.* 1¼. *S.P. Ireland* 318, *pp.* 26-27.

13 June. Whitehall. Same of Same to the Lord Lieutenant and Lords Justices concerning expenses.

We hear that the expenses of lodging, &c. our Commissioners of Settlement from 5 August, 1662, to 5 May, 1664, amount to £2,868 &c., and that further expenses of the same kind may occur in the future. These expenses are too great to be charged on the allowances designed by our establishment for extraordinaries by *concordatum*. We therefore approve and allow all the payments already made under this head by our late Justices or Lord Lieutenant, and further authorise you and the Council to warrant the Vice-Treasurer to pay out of our treasure there such sums as you and they think fit relating to the holding of Parliament there. He shall also pay for the diet and lodging of the present Commissioners

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of Settlement and of any similar officers who may be appointed under the new Act. The sums paid under such warrant shall not be deemed to have been paid out of *concordatum* money. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 28-29.

15 June. Whitehall. ENTRY of the KING to the RECEIVERS of the ADVENTURERS' MONEYS for JOHN FARRELL or FERRALL.

By a petition of Farrell and a report thereon of the Commissioners of Settlement, it appears that by patents under the Great Seal of Ireland dated 13 September, 1661, he was granted a rent charge of £30[?] a year on Clonoghra and four other parcels of lands in co. Longford lying within the security provided for the arrears of commissioned officers for service before 5 June, 1649. A special proviso in the Act of Settlement, confirmed by the Lord Lieutenant and Council, granted to him and his heirs lands of the value of £50 a year. The trustees for the officers have so dealt with these lands that Farrell has at present only been paid £30 or less out of them and has not received the rent charge. You shall pay him as much as is certified by the Auditor-General there to be due to him in respect of the rent charge of £30 from the time of the entry of the trustees on to the lands of Clonoghra; and likewise of what is due for the said grant of £50 from the time of the passing of the Act of Settlement. The Commissioners, present and future, under the Act of Settlement shall, if needful, give you orders for these payments and allowances. *Pp.* 2. *Ibid. pp.* 30-31.

18 June. Dublin Castle. THOMAS PAGE to JOSEPH WILLIAMSON.

I do not often trouble my friends; but want now to know whether the office of Register in the Chancery in Ireland has lately been given in reversion in England by patents from the King. Pray inquire into this at the Signet Office and at those of the two Secretaries. *P.* 1. *(Hol.). Add. Endd. S.P. Ireland* 316, 99.

18 June. M. GRAVES to the SAME.

Lord Fitzharding and Captain Barclay have already moved the King on behalf of a friend of mine concerning the erecting of light-houses in Ireland. Our request has been for five ports, and for that number there is a *caveat* issued in the Signet Office on my friend's account. If the number seems too many we shall content ourselves with three. We have all things in readiness and await only Mr. Secretary's favour. If you intercede for us "you shall be presented with fifty pieces and Mr. Secretary with two hundred from myself" when the grant is passed and comes out of Mr. Secretary's hands. Pray let Mr. Secretary know this, that he may befriend us in it when Captain Barcley attends him with the papers and the petition.

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P.S.—I hear an Act of Parliament has passed in Ireland for setting up lighthouses. It is more necessary there than here, the seas there being more dangerous.

P.P.S.—To show you that I mean what I say I will not take the grant out of your hands till I bring the money. *P.* 1. (*Hol.*). *Add. Endd.*: "Mrs. Graves." *S.P. Ireland* 316, 100.

20 June. Charleville. The Earl of Orrery to Secretary Bennet.

Lord Mayo asks me to recommend him to your favour in the humble address which he makes to the King for restoration to the estate of his ancestors. I do so gladly because I am sure that he will not abuse the King's favour if it is extended to him. If the new Bill gives the Lord Lieutenant power to nominate persons to be restored I have his Grace's assurance for Lord Mayo. If that favour is reserved by the King I beg you to intercede for his lordship. *P.* ⅔. (*Hol.*). *Add. Endd. Ibid.* 101.

23 June. Chester. Same to Same.

I am only now able to find a post to answer yours of the 4th, which reached me in Ireland. My chief desire in taking this journey was to make your acquaintance and assure you of my desire to serve you. *P.* ⅔. *A polite letter.* (*Hol.*). *Add. Endd. Ibid.* 102.

25 June. Entry of the King to the Lord Lieutenant for Gilbert Mabbott.

Directing him to agree with Mabbott for payment of £4,800 to Mabbott out of the arrears and profits of the wine and strong water licences upon his surrender of that interest [*see above p.* 278 *at* 7 *November*, 1663, *for a similar, but not identical, letter*]. *Pp.* 2½. *S.P. Ireland* 318, *pp.* 33-35.

Also note of same. *Four lines. Ibid. p.* 33.

[27 June.] Petition of Lord Kingston to the King, showing that:—

Lord Kingston, having several lands in Ireland to which he was entitled by the King's declaration, delivered them up, upon the King's letters and long before adjudication, to Lord Dungan, Lord Strabane and others, the former proprietors thereof. He lost thereby £5,000.

By the King's favour, in consideration of petitioner's ready obedience to his pleasure, a special proviso was granted to the petitioner in the Act of Settlement for his reprisal in the counties of Dublin, Cork and Kildare, where lay the greatest part of the lands

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with which he had parted. Commissioners were appointed by virtue of the King's letters to value the lands delivered up and they were found to be of the yearly value of £2,897 7*s*. The Commissioners also, by the King's orders, returned a particular of other lands in the said counties of like value, to the end they might be granted in *custodiam* to the petitioner.

A *custodiam* was granted to petitioner, the particulars whereof, in pursuance of the King's letters, were lodged with the Court of Claims, with orders that [neither] the lands therein mentioned, nor any part thereof, should be disposed of until after the petitioner had been satisfied out of them for the lands delivered up and adjudged away by the Court of Claims, the value of which amounted to £3,500 a year.

He was at great charge in defending the King's title to the lands granted him. These would otherwise have been lost. The greatest part of them is, however, now disposed away to Lord Fitzharding and others by virtue of your Majesty's grants, whereby the intention of His Majesty's Royal favour and recompence as aforesaid are rendered ineffectual.

Petitioner asks that he may have by patents a grant of lands to the value of £2,500 a year out of the remaining part of the said *custodiam* and particular, and out of such other forfeited lands in the said counties and elsewhere as are not granted in *custodiam* to his Royal Highness and shall not be confirmed to his said Royal Highness, or the said Lord Fitzharding. He will undertake as a condition to surrender so much of such lands as he may not be entitled to by way of reprize. He asks for a clause in the bill now under consideration which may confirm the said letters patents under the condition aforesaid, in accordance with the Royal letters of 19 February and 18 March, 1661[-1662] and of 16 and 24 April and 25 August, 1662. *P.* 1. *Underwritten with*—

Order, dated Whitehall, 27 June, referring the petition to the Commissioners of Claims or to any three of them now in England. *Signed by* Secretary Bennet. *Endd. S.P. Ireland* 316, 103.

June. Copy of the King to the Attorney-General for Captain Dominick Kirowan.

We are informed that Captain Kirowan in April, 1642, accidentally happened to meet with one S. L. and others, who surprised the ship of one Captain Clarke, then at anchor in the harbour of Galway, and killed several mariners thereon. The actors of this crime have been executed, but Captain Kirowan who was at the time on board the [captor] ship, being in charge of the goods of his master, is afraid that, by the strict law of our land, he may be guilty with them. He therefore asks for a pardon. You shall prepare a bill for our signature and to pass the seal granting his request. *Favourable clauses and details. P.* ½. *Endd. Ibid.* 104.

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July, 1664.

[About 1 July.] Memorandum on the question of the Decrees of the Commissioners of Settlement.

The Commissioners of the Court of Claims, having stated the case concerning the decrees passed in the last months of their sitting, have offered the same to the Lord Lieutenant, who by order was to "agree the case" to be sent to the judges of England for their opinion. The Commissioners, for the King's better understanding of the whole matter, when reported by the judges, have included the point of equity as well as the point of law, "but the Lord Lieutenant would not condescend that the equitable part thereof should be part of the case, but simply the point in law," unless the King before whom it is to be heard on Wednesday, the 6th day of July,[1] should positively order the same.

This is undoubtedly the most just and clear way both for the King's and Council's exoneration, and for the satisfaction of the majority of those concerned. It will lessen the King and Council's trouble, "who necessarily must provide ways to save those innocents already decreed, though in strict point of law the decrees should be found defective; for His Majesty by his Declaration stands obliged to restore all innocents in the first place." The judges will consider how the King may best answer his obligation to his people both in law and equity; and will, by their report in this case, much quiet the minds of the people concerned. This will free the King from having demands made upon him on grounds of equity should the judges decide against the decrees on a strict view of the law; so that those who insist for a reference to the judges in hopes to invalidate these decrees ought to be satisfied that the point of equity as well as the point of law be referred; else, that there be no reference in the case, but that the decrees stand confirmed according to the former order of the Board. *P.* 1. *Endd. S.P. Ireland* 317, 1.

4 July. [London.] The Lord Lieutenant to Secretary Bennet.

According to the order of the Board, the Commissioners met this day at my lodging where Mr. Solicitor also was, but they could not agree in stating the case concerning the decrees since July 2. The King is therefore pleased that on Wednesday next the said persons should attend him at the Board, and that not only all the judges should be present, but that warning should be given to those that have petitioned against those decrees, and those that are concerned to support them as well as the Commissioners. The Lord Chancellor will signify the King's pleasure to the judges. The rest are to be warned by your directions. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 2.

(1) This document is apparently written shortly before that date; and is later than the other documents dealing with the same matter, for which *see above p.* 391, *et seq*, at 17 April, 1664. *See* next letter.

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12 July. London. The Earl of Orrery to Viscount Conway and Killultagh.

I got yours of the 2nd yesterday with the enclosed papers and submitted them to the Lord Lieutenant this morning at Chelsy [Chelsea]. From thence I came alone with him in his barge to Whitehall. He bid me thank you for your care in that affair, and begged you to continue it.

I then saw Secretary Bennet and told him what you have [sent] me, "who hath very obligingly acknowledged your great obligation in that timely discourse. Mr. Secretary Bennet is exceedingly my friend and is really a person of much honour." He has promised to favour you. If you come here before I go I must make you acquainted with him; otherwise I shall do so by letter. "All the English in Ireland have been hugely obliged to Mr. Solicitor, who spoke even to admiration before the judges at Serjeants' Inn when they were by the King's command to hear what could be said on both sides regarding the decrees since 2 July." Having heard the judgments, the judges wished to reserve their judgment till their return from their circuits, but the King has ordered them not to go circuit and to sit *de die in diem* till they have resolved the point. We hope tomorrow they will give their opinion.

I had the honour of a long discourse alone with the King when I came here. I found him "hugely intent" upon the Settlement of Ireland and "extreme careful of his Protestant subjects." I am sure that we shall soon have a happy settlement.

Pray "let me know what you further discover of this new villainy in the North."

Pp. 2. (*Hol.*). *Conway Papers. Add. Endd. S.P. Ireland* 317, 2A.

20 July. Whitehall. The King to the Commissioners of Settlement for Sir Robert Walsh.

Sir Robert Walsh and Pierce Walsh his son were adjudged by three of you to be innocent Papists respectively on 29 and 27 July, 1663, and both were restored to their houses not in corporations. By the Act of Settlement Sir Robert is, however, left to us for his full relief. He shall be restored to all the houses &c. which he or his deceased father or their tenants were possessed of in 1641. *P.* ½. *S.P. Dom. Signet Office VI. p.* 42.

Same. Same to the Lord Lieutenant and Lord Deputy for James Copinger, of Cloghane, co. Cork.

Copinger, and his late father, Dominick, have of late been declared nnocent by the Commissioners of Settlement in Ireland, and Copinger has been adjudged to be restored to his father's estate of 1641. Copinger is one of thirty-six whom we named for special favour in our Declaration. Lest any doubt should arise concerning his restoration to the houses in the city and liberties

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of Cork and in the liberties of Baltimore owned by his father in 1641, we grant him restitution to those houses in pursuance of the power reserved to us by the Act of Settlement for innocent Papists. He may recover the mean profits as he recovers them for the rest of his estate under the decree of the Commissioners of Settlement. *P.* ½. *S.P. Dom. Signet Office VI*, 42.

Also entry of same. *P.* ½. *S.P. Ireland* 318, *pp.* 22-23.

Also draft petition of Copinger setting out the above facts, and that his houses in the towns are in decay. His chief mansion house cost above £2,000. *P.* ½. *S.P. Ireland* 317, 3.

20 July. Whitehall. The KING to the LORD LIEUTENANT for the EARL OF STRAFFORD.

William, Earl of Strafford says that his late father, the Lord Lieutenant of Ireland, was seised in fee of the manors of Shillelagh, Fairwood Park, Newcastle and Wicklow, and several other lands in the co. Wicklow, most of which were acquired and purchased by the said late Earl from several persons for very valuable considerations. He being so seised, King Charles I. granted these manors, &c., by patents dated at Dublin, 16 April, 1641, with the consent of the said late Earl, to George Carr and William Billingsley, Esqs., and Francis Wetherhed, gent., their heirs and assigns, George Carr being afterwards knighted, to the intent that Lucy, late Countess Dowager of Carlisle, might receive out of the said lands of Shillelagh £500 a year for eighteen years to commence from the 19th January next before the date of the letters patents; and also that Elizabeth Countess of Strafford might receive out of the said lands the sum of £500 a year during her natural life; and, as to all the lands, &c., contained in the patents, to the use of the late Earl for his life and after that to the use of his son, then Lord Raby, and his heirs, or, failing such heirs, to the use of the other children of the late Earl's father, Sir William Wentworth, with other covenants, &c. The annual rents reserved were, for Newcastle and other lands mentioned therewith £700 7*s.*; for Wicklow, the lands of the dissolved abbey there and the lands mentioned therewith £600 6*s.*; for Toorboy and other lands mentioned therewith £700 7*s.*; for the impropriate rectory of Newcastle £6 10*s.*; for Bullinekilly [Ballinakill], and the lands mentioned therewith £1 12*s.*; for Farney, &c., £12; for Shillelagh, &c., £11; for Askenegheragh [Askingerah][1] &c., £1 odd: amounting altogether to £Ir2,033 11*s.* per annum. King Charles I. by patents dated 28 September, 1641, passed upon the Commission of Grace for remedy of Defective Titles, granted to the said George Carr, William Billingsley, Francis Wetherhed and their heirs, &c., all the said lands, subject to the charges and to the uses above mentioned, with a final remainder in favour of Carr and of Joshua Carpenter and Gilford Slingsby and their heirs. The rents above mentioned were reserved in this grant. We are aware that these rents, though much higher than the value of the lands, were placed on them at the request of the Earl of Strafford,

(1) Identified for me by Mr. W. H. G. Flood.

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in order that they might not be "begged or questioned" in case his lands were forfeited, "the said Earl being then in his troubles," and neither the King nor the Earl intended that this rent should be paid and the King gave no consideration to the Earl for these lands, but on the contrary, owed the Earl over £20,000 at that time. The present Earl tells us that his tenants on the aforesaid lands have been troubled in respect of the said rents by process out of the Exchequer; but we are satisfied that the late King only desired £250 a year to be paid as rent for the lands aforesaid.

We have lately assented to a bill for the reversal of the late Earl's attainder and are bound to favour his son. In consideration of the loyalty of the present Earl and of £20 to be paid in by him and by Thomas Carr (son and heir of the said Sir George Carr, who survived Carpenter and Slingsby), we direct you to issue letters patent reducing the aforesaid rents to the following sums:—

For Newcastle, &c. - - - - - £50
Wicklow and late dissolved abbey, &c. - £50
Toorboy, &c. - - - - - £127 odd

The rents reserved before on the other lands shall remain, so that the whole rent payable by the present Earl of Strafford be £250. All arrears of rent due, and all our claims to these lands arising, since the passing of the said patents shall also be released. *Favourable clauses. Pp.* 3½. *S.P. Dom. Signet Office VI. pp.* 46, 46*d*, 47, *and* 47*d*.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 36.

20 July. Whitehall. ENTRY of the KING to the [LORD DEPUTY].

Directing that Thomas Eustace, grandson of Nicholas Eustace of Confy, who has been adjudged innocent, be restored to his houses and lands in the city of Dublin and in Drogheda, in accordance with the King's letters of 23 April last. *P.* ½. *S.P. Ireland* 318, *p.* 51.

Also note of same. *Two lines. Ibid. p.* 36.

20 July. ENTRY of SAME.

Directing him to respite the sentence of execution passed on Captain Dominick Kirwan for killing two men in a ship at anchor in the port of Galway about April, 1642. One person has already been executed for this murder, and Kirwan, at the time of it, was only about 15 years old. *P.* ½. *Ibid. p.* 36.

29 July. WILLIAM ROSS to SECRETARY BENNET.

I have found the Lord Lieutenant's and Council's principal letter with the copies of the petitions mentioned therein, which I produced to my Lord Chancellor before the report of the Marquis of Antrim's business was despatched. I did not see any examination or other papers, nor did their letter mention any to be transmitted.

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I will deliver any that I can on receiving your order and receipt for them; and will wait on you after the Council. Meantime I hope you will not allow your ears to be prejudiced against me.

P.S.—Other details refuting a charge of neglect brought against the writer. *P.* ⅔. *Signed. Add. Endd. S.P. Ireland* 317, 4.

August, 1664.

10 Aug. The Earl of Orrery to Secretary Bennet.

Asking where he can meet him between 7 and 8 this evening. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 317, —.

Same. Observations sent by Sir Wm. Domvile to the Lord Lieutenant on the several proposals made for settlement of Ireland.

May it please your Grace—

A report came here a few days since of certain proposals lately presented or designed to be presented to the King of some of this country concerning a new model for the settlement of the kingdom. It seemed strange to me that any person subject of the Government should address himself thither before he made his proposals to your Grace, who is specially appointed by the King to redress the grievances of Ireland and apply remedies for her weal. Lest your Grace or the Council here should be accused of neglect or 'insolicitousness,' I send you news of what I have heard, and remind you that those things which are now proposed as most material have been already under your Grace's consideration.

The proposals are alleged to be as follows:—

That the King was to name and restore such and so many of the Irish unrestored as he shall think fit, and that a way shall be found to provide for the adventurers and soldiers already removed or to be removed by such restoration.

And, to demonstrate how feasible this is, that a computation hath been made of all the forfeited lands in this kingdom and an exact account cast up what part has been given to the soldiers, what part to the adventurers. The residue, which is in the King's hands, is stated to be the only visible stock for reprisals. "And how to make that residue swell in proportion as it will yield a supply in answer to their general ends is the great matter in design."

In order to augment this stock it is proposed:—

1. That all lands disposed of by His Majesty by grant or proviso shall be added to this stock.

2. That all lands restored by Irish Protestants upon His Majesty's letters shall be reassumed to this stock.

3. That all adventurers and soldiers and Irish restored by the Court of Claims [the Commissioners of Settlement] shall

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allow one-sixth part of their estates towards the increase of the stock, and, if that will not do, then they will give such further proportions as shall be thought needful towards this work. In consideration of all which it is expected that they shall all be then absolutely confirmed in the residue of their estates without any further examinations, qualifications, or scrutiny.

I am informed that these are the proposals. There is nothing new in them; but "what seems to be against His Majesty's justice and honour and wholly destructive to the Declaration and Act of Settlement.

"That the only speedy and effectual way to settle this kingdom is by restoring the ancient generous Irish and reprising the adventurers and soldiers reprisable hath been as frequent in your Grace's thoughts as light in your eye." The estimate of all forfeited lands hath been computed and, the several proportions set out to adventurers and soldiers being subducted, there was no more looked upon by your Grace as a certain stock for the aforesaid ends, but what was in the King's hands. A computation was made before your Grace as to what proportion was taken away from the adventurers and soldiers by the Court of Claims; and it was under your consideration how to make that part which was in His Majesty's hands so large that it might supply reprisals for adventurers and soldiers, and enable the King to restore the most deserving of the Irish.

The adventurers and soldiers, and '49 officers, proposed to take off one-sixth for this work. Your Grace desired more as finding one-sixth part too short; but that was not granted. All this was under your Grace's consideration when the bill was transmitted. The only new thing is that these persons have now, by messengers of their own, tendered two-sixths.

There are, however, new things in these proposals, namely:—

The taking away of a sixth part from the Irish restored by the Court of Claims.

The taking away of the whole from all patentees, "proviso men," and such as have been restored by the King's letters.

The giving of an absolute title to the adventurers and soldiers without further examination.

These are a new "edition," and, in my opinion, shake the Settlement to its foundations, subvert the sale of justice and "highly intrench upon His Majesty's honour." However they may appear to enlarge the stock of reprisals, it is feared they will never induce a happy settlement in this kingdom. There can be no happy settlement except on foundations of justice; and there can be no such foundations if the Act of Settlement and the Declaration are laid aside.

It is therefore submitted to your Grace's consideration whether some other way more consistent with the Declaration and Instructions may not be found for restoring the Irish and reprising the adventurers and soldiers, and that without intrenching on the King's honour.

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That such a way is laid down in the body of the Declaration and Instructions is clear from consideration of these three particulars:—

1. A vast deal of land has not yet been recovered from adventurers, soldiers and Irish for the King, to which he is entitled under the Act of Settlement.

2. The land which the King might get by enforcing that Act would exceed the amount offered by the proposals.

3. What the King would thus gain would be his own *de jure* without injury to any third person.

As to the first of these points, there is no rule in the Act of Settlement which plainly allows Irish admeasurement to the soldiers or the adventurers, except where the subscription was according to the provisions of the Acts of 17 and 18 Car. I. See the Act of Settlement, *p.* 12. Therefore these possessions [*i.e.* those of the persons not entitled to Irish measure] should be ascertained by the method most favourable to the King. English measurement being taken, the King would gain a third part of all such lands.

Moreover, by the Act of Settlement *pp.* 13 *and* 79, all moneys gained upon the Doubling Ordinance from the adventurers are to be subducted.

By the same Act *p.* 33 all such lands as, being profitable, are set out as unprofitable, are to be seized into the King's hands.

By the same, *p.* 8, all lands which have been enjoyed without title allowed and confirmed by the Act are reserved to the king.

By the same *pp.* 13 *and* 36 all lands set out on counterfeit bills or forged debentures, or which have been gained by bribery, forgery, perjury or subornation of perjury or by false and undue admeasurement, come to the King.

On *page* 13 applies the same rule to those who, by any overt act done subsequent to the Act of Settlement, have manifested enmity to the King's restoration and government.

P. 32 of the same provides that such adventurers as have not returned particulars of their lands and adventures within forty days after proclamation issued by the Commissioners to that purpose are to forfeit three years' profits of their lands, &c. This time is expired beyond all enlargement.

P. 84 of the same excepts from the benefits all adventurers and soldiers who do not pay—in whole or in part—the year's and half-year's value [prescribed by the Act].

P. 38 and 39 of the same provide that such of the Irish as have made claims and delivered full particulars of their estates, and included other lands to which they had no title, or have mortgaged and sold their estates to any Irish Papist excepted from confirmation and have not expressed the same, shall forfeit, out of any lands to which they may be restored, the full value of those which they have endeavoured to gain by these means.

P. 118 of the same requires all Papists who took no land in Connaught to be charged with a half-year's value, and all those who took such lands with a whole year's value, of the estates to which they are restored. The income from these charges is to go to satisfying unrestored persons and increasing the stock for reprisals.

All subscriptions forfeited by reason that the person claiming under them did not pay in the full amount required by the Act of 17 and 18 Charles I., are, by page 109 of the same, vested in the King, to be disposed of as he thinks fit.

Lastly, the right of determining what shall be the value, worth and purchase in setting out reprisals, and whether according to the extent and value of the lands or the moneys paid *bona-fide*, will be of great advantage to the King, and is not settled by any rule prescribed by the Act.

By these several rules it is plain that a vast amount of land may be gained by the King which is now unlawfully detained from him. It is humbly submitted that the King should make use of the powers given him by an Act of Parliament, to which all parties agreed.

As to the second point that these rules will bring in more to the King than the late proposals:—

The whole proportion of lands set out to the adventurers and soldiers is estimated at 2,500,000 Irish acres. Of this 1,900,000 were set out to the soldiers, and about 700,000 acres to the adventurers.

But what proportion was set out to the Adventurers is not known to any but themselves, and "for their lands were set out to them upon a gross survey and they sate down upon admeasurements and sub-divisions of their own, as appears clearly by the Acts and Orders of those times, which are in Scobell's *Collections*, *pp.* 244 and 255." Of that proportion which was set out to adventurers and soldiers (be it more or less) they have lost by decrees in the Court of Claims about 300,000 acres and the soldiers 640,000. How to reprize these is the great matter in consideration.

In order to reprize the adventurers I suggest it to your Grace:—

1. Whether all those adventurers who have been removed by the Court of Clains be reprisable or not; for certainly such of them as are excluded by the Act of Settlement cannot claim reprisals.

P. 84 of the Act clearly excepts those persons who have not paid in their full year's value; and if they cannot claim under the Act they certainly cannot claim reprisals but by a new Act. It will be easy to determine who those persons are by getting the lists of the adventurers who have been removed by the Court of Claims and comparing it with the list of those who paid in their moneys into the Vice-Treasurer's office. This may be done at once if your Grace command it.

2. If adventurers have paid in the whole year's value, yet it must be remembered that such of them as received satisfaction on the doubling ordinances made 14 July, 1643, and 13 November, 1647, are not to be reprised but for a half or—in some cases—a fifth of what they have lost; since by the provision on *p.* 79 of the Act they are not to have satisfaction for more than what they paid in really and *bona fide*.

This restriction applies not only to satisfaction made for the moneys advanced on the doubling ordinance but to that to be made for the moneys which formed the original subscriptions [to which the further subscription was added] themselves. In these cases

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the facts were [*here the provisions of the ordinance of July* 14, 1643, *are set out, for which see Cal. of S.P. Ireland Adventurers, Preface, p. xiv.*] the words of the ordinance required this—*see Scobell, p.* 46; and when the distribution was made to the adventurers in 1653 it was specially ordered by the Parliament then sitting that all moneys put in upon the ordinances of 14 July, 1643, and 13 November, 1647, should be accounted as doubled and the adventurers satisfied accordingly out of the moiety of the ten counties. See Scobell's *Collections, pp.* 241, 250, *and* 251. Your Grace may well believe that the adventurers who sat down upon their own admeasurement and were at liberty to meet out their own satisfaction would not be wanting to themselves. The full proportion of that they admeasured cannot be determined till their books of survey be given in. But the original sum to be given in may be found by proportion. If £53,000 was advanced as a fourth part of their first subscription, then that first subscription must be £212,000. Thus I find Sir David Watkins' original adventure was £2,400, to which he added one fourth under the doubling ordinance, so that he was to have satisfaction as for a debt of £6,000. The figures in Sir John Clotworthy's case were £1,000, £250, and so £2,500. By the Act of Settlement these persons are to have satisfaction only for the sums they actually paid in, vizt., £1,250 and £3,000. It has been necessary to insist on this because I find it generally computed that only the one-fourths—the second payments—were to be doubled. This is not so. The whole sum was to be doubled. On this point the words are very plain.

The result of this is that whatever lands may have been taken away by decisions of the Court of Claims from Adventurers of this class, they cannot claim reprisals for except to such an extent as they are entitled to under the Act of Settlement—that is to say to the extent of one half. The other half taken from them is taken by the Act of Settlement and is not a matter for compensation, so that they are reprisable for only 150,000 acres. The King is therefore entitled to one half of what has been decreed away and one-half of what remains undecreed in adventurers' hands. This amounts in the whole to 300,000 acres; and the half is more than one-sixth part of the whole [*i.e.* than that which the adventurers proposed to give in consideration for an absolute title]. Now [the way] how to find out which of them were adventurers on the doubling ordinance and which not, and what satisfaction they received, must be by perusal of the particulars which, by the proclamation mentioned on *p.* 32 of the Act of Settlement, they are bound to give in. For, as many of the original adventurers assigned over their subscriptions, and others doubled upon them, and the party that did double might afterwards assign the whole to a third person, it will be difficult to determine who is the person from whom the deduction which the Crown is entitled to make ought to be made. As, however, the Act requires the adventurers to set down what sum they claim and from whom they claim it, and what lands have been admeasured to their use, and to deliver in duplicates of their surveys and field books, the matter may be found out.

In the meantime this much may be made good by demonstration, that if £50,000 is the sum paid in under the doubling ordinance, the original subscriptions by those who paid in that sum under that ordinance must be £200,000, and so proportionately of the rest. The execution of the Act of Settlement in respect of so large a sum —it is a moiety from the greatest part of the adventurers—will be "a main advantage to His Majesty."

3. There is an allowance to be made to His Majesty for all forfeited subscriptions called "elapsed moneys." These are of two sorts. First come those which are paid in only in part, but of which the subscriber has failed to pay in the whole. In such cases the King has the entire benefit of and must be satisfied in the ten counties according to the Act of Settlement, *p.* 109.

There is also another sort of elapsed moneys which were paid in after 20 July, 1642, wherein the case was this—whoever subscribed a sum but did not pay in the whole subscription before 20 July, 1642, was to have payment by lands only in English admeasurement, instead of Irish. This is by the Act of 18 Car. I., cap. 36, and this rule is confirmed by the Act of Settlement, *p.* 32. By means of this clause the Crown will recover one entire third part from all the adventurers who paid in any part of their moneys after 20 July, 1642. A list of these men may be readily made upon perusal of their several times of payment, which are entered in the original books of subscriptions.

4. It is worthy of consideration that those adventurers who have not delivered in particulars according to the proclamation issued by the Commissioners upon the clause in the Act of Settlement *p.* 32, shall forfeit three years' value of the rents and profits of their lands which they either do not certify or do not certify correctly. The enforcement of this clause is of vital importance to the King; for, if it be not enforced His Majesty can never know, but by a new survey, what number of acres are in the adventurers' hands, what sums have been paid in and under what Act, and from whom the now claimants derive their titles. It ought, therefore, to be "preserved with the greater fervour for the advantage of His Majesty, the satisfaction of public justice, and the settlement of the kingdom."

Lastly, it is considerable that several proportions of lands may be taken from the adventurers on the ground of bribery, forgery, perjury, subornation of perjury, aversion to the King's Restoration, &c. Moreover, it does not yet appear which of such men are reprisable and which not, nor by what rules of valuation they shall be reprised.

And considering the great advantage His Majesty hath by law in these several particulars, it is submitted to your Grace whether the King will not gain much more by adhering to his rights under the Act of Settlement, than by accepting a sixth part and confirming all titles to the adventurers without further qualification or scrutiny.

As for the case of the soldiers:—

It is computed that there have been taken from them by decrees of the Court of Claims about 640,000 acres, so that they want near

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one-third part to reprize them. For this purpose the following suggestions are submitted to your Grace's consideration.

1. There is no rule in the Act of Settlement which doth plainly and expressly allow the soldiers Irish admeasurement. Some of the adventurers may indeed claim it by the Act of 18 Car. I. which is confirmed to them by the Act of Settlement *p.* 12, but the soldiers can claim nothing under that Act, and therefore, if they be reduced to the English acre, there will be due to be subducted, out of the entire satisfaction, above 746,719 Irish acres. The residue will do no more than satisfy them if they be satisfied in English acres. This is easily demonstrated as follows:—

	ACRES.
There have been set out to the soldiers as is generally computed - - - - -	Ir. 1,926,437
This is equal to - - - - - -	E. 3,119,801
Now subduct from the last number what is due to the soldiers - - - - -	E. 1,926,437
There will then be a remainder due to the King of - - - - - - - -	E. 1,193,364
Which is equal in value to - - - -	Ir. 746,719
Out of this must be allowed the 640,000 Irish acres, which were decreed against the soldiers and restored to the Irish by the Court of Claims. The King will then have at his disposal, towards restitution of the English - - - - - -	Ir. 106,719

2. It is to be remembered that several proportions may be taken from the soldiers for non-payment of the half-year's value of their lands entirely in accordance with the tenor of the Act of Settlement, *p.* 84. By means thereof their whole estates are forfeited to the King. Who they are who have so forfeited may be readily made known to your Grace according to the course formerly prescribed for discovery of the non-payments of the adventurers in the like cases.

3. It should be considered that several proportions may be taken away from the soldiers, likewise, by means of forged debentures, counterfeit certificates, &c., bribery, perjury, &c., or aversion to the restoration. It does not yet appear whether, or in what manner, such persons are reprisable. But admit the most, yet, if their possessions be ascertained by the English acre and they examined by the rules and qualifications prescribed by the Act of Settlement, the King must certainly gain the aforesaid Ir. 106,719 acres, and the other advantages formerly mentioned. These are much more than what is tendered in the proposals, and belong to the King without the least violation of any man's rights.

In conclusion, the preferability from the point of view of the King's interest of the rules of the Act of Settlement to the proposals of the adventurers and soldiers is clear from the fact that one-sixth of the lands to which the adventurers have a good right cannot be more than 50,000 acres, and that one-sixth of the lands to which the soldiers have a right cannot be more than 200,000 acres. But under the Act of Settlement the King would be entitled to 700,000 acres from the soldiers and one-half instead of one-sixth from the adventurers.

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"Again in case His Majesty should accept of this 250,000 acres do not they then expect to be absolutely confirmed in the residue; and not only so but that there should be a deduction made from the Irish proprietors, patentees, proviso-men, and such as are restored on the King's letters to reprize themselves fully—the adventurer his 300,000 acres which is lost, and the soldier his 640,000 acres, which is decreed away by the Court of Claims? If so, how suitable a proposal is this, and how well compiled for their own advantage, to part with a sixth part and recover the entire moiety of the whole, to part with 250,000 acres and gain near a million. A pretty decoy to enrich themselves! For can it otherwise be imagined that they will remit all they have lost in the Court of Claims already, and advance one-sixth part beside, in order to restore the Irish? Certainly this is not intended." It is to be feared that their proposals are contrived less for the King's advantage than their own. By adhering to the Act of Settlement the King gains much more without any violation of private rights, and reprises to the full such of them as are reprisable: and where he might in strictness of law avoid all their pretensions, yet he allows them moderate and reasonable satisfaction, according to rules agreed to by themselves.

It now remains to demonstrate what stock the King will have for reprising the Irish. He will certainly have:—

1. All the lands which are now held in *custodium*. These amount to about Ir. 120,000 acres.

2. The lands which have been set out in satisfaction of English arrears. These amount to Ir. 50,000 acres. He will also have the mesne profits of these lands which have been withheld from him these eight years. At 12*d.* an acre these will amount to £20,000, and belong *de jure* to the King by the Act of Settlement, *p.* 8.

3. He will have the year's and half-year's value of the lands of all Papists "which" by His Majesty's special grace and by the Act of Settlement are restored to their estates. This is especially designed by the King for this purpose (*see* [the Act of Settlement] *p.* 118), and is computed to amount to £100,000, which, at the Act rate will purchase 200,000 acres of land.

4. The King will have all such lands as are profitable and yet are set out as unprofitable, and all concealments and over-admeasurements. These belong to the King by right of the Crown. They were never set out, and it is estimated that they cannot amount to less than 50,000 acres—and also there will be the mean profits of them for eight years.

5. He will have the full value of all such lands as have been endeavoured to be gained from him without title by the Irish: [*see* the Act], *p.* 38. These have not yet been accurately estimated by the officers, but it is believed that they will amount to above 100,000 acres.

6. He will have the I. 106,719 acres subducted from the soldiers as indicated above.

These lands may all be claimed as of right by the King and amount to above 500,000 acres.

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The King's claim to them is under the law, and it is a true maxim that the King and the law can injure no man.

Upon this view of the whole matter it is observable that such adventurers and soldiers as have been removed by the Court of Claims are not to expect reprisals out of the lands which are in His Majesty's hands, but only from those defalcations which are due to the King out of the lands which are in their own hands, vizt., the adventurers out of the lands gained by them [*here repeats briefly* the heads under which the adventurers have got too much land and on which the King may claim from them, as above, *pp.* 417-420]. In case His Majesty be graciously inclined to remit all these and to give order that stock which they have still remaining be equally divided amongst themselves so as to yield a suitable proportion to each of them according to what he really and *bona fide* advanced under the Act of 17 and 18 Car. I., which (must be their rule), it will arise to a reasonable and just satisfaction amongst them all. There is this further consideration, that it is not yet resolved by what valuation they shall be reprized, and, by the tenor and purport of the Act of Settlement, all these particulars ought first to be cleared before they can justly demand any reprisals from the King.

With regard to the soldiers, though they have lost 640,000 acres by the decrees of the Court of Claims, yet what they still have is sufficient to pay them if they are paid in English acres. In strictness of law the King might seize all their lands for non-compliance with the clauses 38 and 39 of the Act which require the payment of a half-year's rent. In case many or few of them be reprisable it is not ascertained by what rules they shall be reprized; but they certainly are still in possession of enough to reprize them, if they take reprisal in English acres. If the King should waive all his claims to their land on the ground of false debentures, counterfeit certificates, bribery, perjury, disloyalty, &c., and allow them to enjoy what they still possess, distributing it by English acres, it would be a just arrangement. It will certainly much further the settlement of the kingdom. These particulars should be cleared before the soldiers can justly ask for reprisals from the King.

By this computation the King is justly entitled to above Ir. 500,000 acres, which he may freely dispose of towards restoration of the Irish by such rules as are prescribed in the Act of Settlement *p.* 119. Adding this to what has been already restored to the Irish by the Court of Claims in His Majesty's letters, your Grace will find that they have about three-fifths of all the lands which are admeasured as forfeited and given out to the adventurers and soldiers, *i.e.* 150,000 acres out of 250,000.

In case this will not answer His Majesty's desires, then let the adventurers and soldiers and '49 officers give evidence of their loyalty to him by advancing such a portion as will suit with his intentions; and thus show themselves more careful of the public sentiment than of their own fortunes.

If this be done the King may then confirm the remainder of their estates without further qualification or examination.

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The adventurers will object that they have already given proof of their loyalty by advancing the year's and year-and-a-half's rent; and that it is hard on them to lay on them these additional penalties. To this I answer that they who make this payment incur no penalty, nor they who have returned particulars of their estates within the time limited, and paid their subscriptions according to the Acts of 17 and 18 Car. I. The penalties and forfeitures are ordained for those only who have cozened the King and defrauded the public. The year's and half-year's rent is no just return from men who more than seven years have enjoyed the King's lands without payment or title. Nothing is demanded from them but what they have assented to and what is in the letter of the Act, by which they themselves claim the forfeitures of all the estates of the Irish. Can they claim all the advantages given them by that Act, and yet repudiate the obligations which it imposes on them towards the King, who, even by these, will gain nothing except the power to reprise themselves? In such an emergency, when the peace of the State is at stake, all public pretensions should surely lie low and stoop before the public. For the settlement of the kingdom the King may use the powers vested in him by law.

I place before your Grace, all these considerations which have been set down for no private end of my own, but to serve the State. I know that you are best qualified how to order and dispose all the materials in such a manner as they may work together for the honour and safety of His Majesty's crown and government. *Pp.* 12½. *Signed. Endd. S.P. Ireland* 317, 6.

18 Aug. Council Chamber, Dublin

The Lord Deputy and Council to Baron Coleraine.

The sum of £16 was charged on you for the King by virtue of an order of the Lords Spiritual and Temporal in Parliament assembled dated 31 July, 1661. Although the sum was to have been long ago paid to the King's use to Sir Paul Davys, who was appointed collector thereof, we find that it has not yet been paid. We remind you thereof to the end you may cause the same to be speedily paid, the occasion of His Majesty's service necessarily requiring the speedy bringing in of all moneys due and payable to His Majesty. *P.* ½. *Signed by the* Earl of Ossory and seven Councillors. *Add. Ibid.* 7.

Same.

Orders similar to foregoing, as follows:—

Lord Bereton of Leighlin £13, "Lord" Fitzwilliam of Liffer [Lifford] £16, Lord Harvy of Rosse £16, Viscount Mounsen of Castlemaine £16, Viscount Lumley of Waterford £20, Viscount Tracey of Rathcoole £20, Lord Maynard of Wicklow £16, Lord Mountjoy Earl of Newport £18, Viscount Scudamore of Sligo £20, Viscount Savill £20, Viscount Carlingford £20, Viscount Chaworth of Armagh £20, Viscount Castletown £20, Viscount Kilmurry £20, Viscount Beaumont of Swords £20, Viscount Wilmot £10, Viscount Ogle of Catherlagh £10, Viscount Bulkeley of Cashel £20, Viscount Cullen £20, Viscount Bareford £20, Viscount

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Fairfax of Emly £20, Viscount Molyeux of Maryborough £20, Lord Sherrard of Leitrim £16, Earl of Downe £30, Earl of Waterford and Wexford £30, Earl of Carbery £30, Earl of Desmond £20, Lord Gorges of Dundalk £8, Lord Hawley of Duncannon £8, Viscount Wenman of Tuam £20, Viscount Strangford £20, Viscount Chumbley of Kells £20. *Each order is separate and about p.* ½. *Signed by the* Lord Deputy and Council as above. *Sealed and add. In all, pp.* 16½. *S.P. Ireland* 317, 7 *to* 89.

18 Aug. Council Chamber, Dublin. The Lord Deputy and Council to the Earl of Desmond.

We find that of the eight subsidies granted to the King in the present Parliament there is yet due and unpaid by you £100, which should have been paid long ago to Sir Paul Davys. We "pray and require you" to pay this sum in speedily. *P.* ½, *&c., as foregoing orders. Ibid.* 40.

Orders similar to foregoing, as follows:—

Earl of Carbery £160, Earl of Down same, Earl of Waterford same, Earl of Castlemaine same, Viscount Wilmot £96, Viscount Beaumont £96, Viscount Kilmurry £100, Viscount Chaworth £100, Viscount Castletown £100, Viscount Savill £100, Viscount Scudamore £100, Viscount Lumley £100, Viscount Strangford £100, Viscount Molyneux £100, Viscount Fairfax £100, Viscount Bareford £100, Viscount Rathcoole £100, Viscount Bulkely £100, Viscount Ogle £100, Viscount Brunckard £100, Viscount Cullen £100, Viscount Dromore £100, Lord Brereton £40, Lord Coleraine £80, Lord Allington £100, Lord Hawley £40, Lord Sherrard £80, Viscount Wenman £100, Viscount Chulmeley £100, Eord Mountjoy, Earl of Newport £100, Lord Maynard £100, Lord Gorges £80, Lord Fitzwilliam £80. *Each order about p.* ½, *and signed and sealed as those in foregoing list. In all, pp.* 17½. *Ibid.* 41-78.

18 Aug. Thomas Page to Joseph Williamson.

The enclosed can receive no entertainment here because of the superscription; and Colonel Jeffryes, whom it affects, asks that the words "or to the chief governor for the time being," may be added to it. He will pay any costs which may be necessary. *P.* ½. *(Hol.). Add. Endd. Ibid.* 74.

Same. Report by Sir Richard Raynsforde, Sir Thomas Beverley and Sir Allen Broderick in the case of Lord Kingston.

According to your Majesty's reference of 27 June last we have considered of the allegations in the petition of Lord Kingston.

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We find that he was possessed of considerable lands in Ireland to which he was entitled by your Majesty's Declaration. A great part of the same were purchased from John Blackwell, Esq., who has been commonly reputed an undue adventurer and who was possessed of the principal part of the lands mentioned in the petition to be delivered up upon the King's letters therein mentioned. At his lordship's request we certify that we find, by inspection into the transcript of the books of the original subscriptions of adventurers for lands in Ireland, that there were sundry persons who subscribed several sums of money amounting in all to £2,350, of which £2,000 was subscribed upon Acts of 17 and 18 Car. I., and £350 upon the pretended doubling ordinance. Consequently, under the ordinances these persons were entitled to £4,100 worth of forfeited land in Ireland. We find that all these sums were assigned to John Blackwell, of Morclack [Mortlake], jun., and that, by the instructions given by the late usurping powers to their agents in Ireland in 1653, confirmed by a pretended Act of Parliament, those agents were authorised to set out to Blackwell and his heirs, in satisfaction of the said £2,350, so much meadow, arable land and profitable pasture as was due unto him, according to the rates prescribed for the different provinces, in Dublin, Cork and Kildare. There were afterwards set out to Blackwell Ir. 6,833⅓ acres of land in Dublin and Kildare. According to the proportions of the Act of 17 Car. I. this land constitutes a full satisfaction for the £4,100. Blackwell afterwards conveyed these lands to Lord Kingston, who possessed them; and Lord Kingston, on the King's letters and before adjudication, delivered up a great part of these lands to Lord Dungan, Sir Henry Talbott, Thomas Harman and other former proprietors, and other lands to the Lord of Strabane. Under a private clause of the Act of Settlement the petitioner and his heirs are entitled to reprisals for what he gave up from other lands in Dublin, Cork and Kildare. But the lands set out in respect of the doubling ordinance over and above the money paid are not intended to be confirmed to Lord Kingston and his heirs without delivering up and discharging such receipts and certificates of deficient adventurers or such part of his own or his late father's arrears for service in Ireland before 5 June, 1649, as shall amount to the value for which such lands are to be set out to adventurers at the rates prescribed for Leinster. On delivering up such receipts the lands above mentioned [*i.e.* those set out in respect of subscriptions under the doubling ordinance] are thereby set out to petitioner. This clause and proviso have been considered and allowed by the Lord Lieutenant and the King's counsel in Ireland. We find too that the petitioner has delivered to the Register in Ireland one debenture for arrears before the 5th June, 1649, of his late father, Sir Robert King, amounting to the sum of £1,619 12*s.* 4*d.*, and one debenture of his own arrears before the said 5th of June amounting to £681, to the intent that so much thereof as may be necessary shall be applied for securing the said proportion to him as aforesaid. We likewise find that Commissioners appointed by your Majesty's letters valued the lands delivered up by the petitioner at £2,397 7*s.* a year. By virtue of the same King's letters the

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Commissioners returned a particular of other lands of the like value in the said counties so that the petitioner might have them granted to him in *custodiam** in order to a reprisal to be afterwards made out to him of the same, as by your Majesty's letters was directed.

These lands or some of them, with others, were granted in *custodiam* to the petitioner, and a particular of them is transmitted to us, your Commissioners, with a copy of your letters. By these it is directed that the lands therein mentioned nor any part thereof should be otherwise disposed until the petitioner should be reprized out of them. The petitioner had the possession thereof and defended the King's title thereto against proprietors who claimed the same. Notwithstanding this the greater part of the lands is restored to others in such manner as is set forth in the petition. We further find that besides the lands delivered up by the petitioner on the King's letter as aforesaid, the petitioner has had other lands decreed away from him to other former proprietors of a considerable value. Lastly we find that in spite of the *proviso* in the Act of Settlement in favour of the petitioner, by which he was to be reprised for lands delivered up to the King, he has had no such reprisal. We submit the case to your Majesty's judgment. *Pp.* 1½. *Signed by the above. S.P. Ireland* 317, 75.

[About same.] NOTE as to a KING'S LETTER in favour of LORD KINGSTON.

The King's letter to the Lord Lieutenant on behalf of Lord Kingston, dated the day of and grounded on a report from the Commissioners of Claims, orders that the lands mentioned in the letter of the value of £350 a year or thereabouts, though now let to the tenants for £200 and odd, and lying in the co. Limerick, with such other lands in the counties of Dublin, Kildare and Cork, as were heretofore held in *custodium* [*sic*] by the Lord Kingston and may be of the yearly value of £700, be passed in patent to the said Lord Kingston for ever, over and above such common reprize as shall be set out to him, the lands granted to His Royal Highness in *custodium* and [to] the Lord Fitzharding in patent being excepted out of the grant.

The lands lying in co. Cork belong to one Fitzgerald, found nocent by the Court of Claims.

The proprietors of the lands in co. Limerick I do not know. *P.* ¾. *Ibid.* 76.

17 Aug. Whitehall. The KING to [the LORD DEPUTY and COUNCIL] for DANIEL O'NEILE, of the King's Bedchamber.

On the Civil List of Ireland there is a pension of £500 a year payable to O'Neile. This pension has not been paid for some time

* *Custodiam* and *custodium* are used interchangeably in these letters. The right rendering is, of course, *custodiam*, the full phrase being *dare* or *tradere*, [*civitatem &c.*] *in custodiam*. *See* Ducange II, 1275.

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in consideration of our intention to make a settlement of lands in Ireland in his favour in lieu of that pension. Although he had patents for lands of that value we are informed that he has not yet got any benefit thereby. You shall see that he be paid the arrears of his pension and that it be paid to him till he gets possession of the lands for which he had patents, and shall also see that he forthwith gets possession. *P.* ½. *S.P. Dom. Signet Office VI. p.* 42*d.*

18 Aug. Whitehall. The KING to the LORD LIEUTENANT for CAPTAIN ROGER BAMBER and TERESA his wife.

We are given to understand that Mary Finglasse, widow, deceased, being inheritrix of several lands, &c., in Ireland was lately declared an innocent Papist by the Court of Claims there, and adjudged to be restored to her estate. Her interest is now come to Captain and Mrs. Bamber, Mrs. Bamber being Mary's sole daughter; and both husband and wife being innocent Protestants. In pursuance of the power reserved to us by the Declaration as to lands in corporate towns, we order you to restore them to such houses, rents, &c., in the town of Navan as Mary Finglas was seized and possessed of on 22 October, 1641. They may have and recover the mean rates thereof in the same way as they recover, by the decree of that Court, the rest of that estate descended to them. *P.* ½. *Ibid. p.* 59*d.*

Same. The KING to the LORD DEPUTY for ROBERT SHAPCOT or SHAPCOAT.

Directing that he be pardoned for all his treasons and other offences, against either common or statute law, with restitution of lands, &c. Beneficial clauses to be inserted in his patents for pardon. All proceedings against Shapcot shall be forthwith superseded; and he shall be released from prison as soon as the patent for his pardon passes the Great Seal. *P.* ½. *S.P. Dom. Signet Office VI. p.* 42*d.*

Also entry of same. *P.* ¾. *S.P. Ireland* 318, *p.* 37.

Same. The KING to the LORD DEPUTY for ALEXANDER STAPLES.

Similar to foregoing. *P.* ½. *S.P. Dom. Signet Office VI. p.* 67.

Also note of same. *Two lines.* *S.P. Ireland* 318, *p.* 37.

[About 19 Aug.] PETITION to the KING of COLONEL ROGER BURGES, showing that:—

Thomas Bowles, Deputy-Treasurer to the Army in Ireland in the time of usurpation, was found, on being called before the Council, to be indebted in the sum of £1,600, as appears by the accounts given in the year 1649.

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In the year 1651, one Henry Burnell, employed then as Receiver of the public revenues of Carrickfergus, being called to account by the then Council, was found to be indebted in the sum of £459. In the year 1652, one John Clerke did receive by false warrants £800 out of the revenue, and upon discovery made, entered security for the payment of the sum, which security was delivered to the then auditor.

Petitioner prays that these persons may be called to account and that, if they are convicted, the petitioner be granted what they may be found to owe to the King. *P.* ½. *Underwritten with*—

Order, dated Whitehall, 19 August, *and signed by* Secretary Bennet, referring the petition to the Lord Lieutenant and to those who attend him for consideration of the Bill of Settlement, *and endd. with*—

Report by the Lord Lieutenant on the foregoing Petition.

Recommends that the Lord Deputy be authorised to investigate the facts alleged, and, if they prove true, to grant the petition. *P.* ½. (*Hol.*). *In all, pp.* 1½. *Endd. : Read at the Board*, 10 October, 1664. *S.P. Ireland* 317, 77.

24 Aug. Dublin. Thomas Page to Secretary Bennet.

I have communicated to the Lord Deputy the contents of yours of last week and assure you of his readiness to be of service to you. He hopes that he may be able to help you during the time of his Deputyship. *P.* ¾. (*Hol.*). *Add. Endd. Ibid.* 78.

[25 Aug.] Petition to the King of John Wolverston, gentleman, showing that:—

Petitioner and his grandfather, William Wolverston, have lately been adjudged innocent by the Commissioners of Settlement in Ireland, and the petitioner has been restored to the town and lands of Stillorgan and other lands specified in the decree as descended to him from his said grandfather. Since this decree petitioner has obtained a judgment in the Court of Exchequer to put the lands out of charge as to all rents raised thereon since dispossessed by the usurper other than the rent payable thereout before the rebellion to the King.

Petitioner prays for confirmation by patent of his ancient right. *P.* ½. *Underwritten with*—

Order, dated Whitehall, 25 August, *and signed by* Secretary Bennet, referring the petition to the Lord Lieutenant of Ireland, *and endd. with*—

Report by the Lord Lieutenant on the foregoing Petition.

Recommends that the Lord Deputy of Ireland be authorised to examine into the truth of the facts stated; and, if they prove true, to grant the petition. *P.* ½. *Signed. In all, p.* ½. *Endd. S.P. Ireland* 317, 79.

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[About 25 Aug.] [1]

The Earl of Orrery to Secretary Bennet.

I thank you for your letters and enclosed, and I will see a good name put in and then returned to you. We shall return this day sennight, and I shall wait on you with Lady Suffolk. I am sorry for your disaster, and wish I could have been sure of a worse to-morrow to have exempted you from yours this day.

"There was no play of mine acted. They are now but studying it.[2] I hope within less than a fortnight twill be on the theater and if you are not surfeited with what of mine you have already seen I will wait on you when 'tis acted." No "applause on the stage" could please me so much as to show my anxiety to serve you. *P.* 1. (*Hol.*). *A polite letter*, dated "Thursday[1] night, 10 o'clock." *Add. Endd.* "31 August." *S.P. Ireland* 317, 80.

29 Aug. Whitehall.

The King to certain Commissioners for Sir Charles Lloyd, Bt.

The Act of Settlement contains a special clause in favour of Sir Charles, as concerning his lots as an adventurer in the baronies of Connello and Slewmergy [Slievemargy], whereof he has not yet obtained any effect. He has petitioned us and shown a report of the Sub-Commissioners of Settlement made by them on a reference from the Chief Commissioners of Settlement, dated 16 July, 1661, to the effect that he advanced £900 as an adventurer and was allotted 1,500 acres in the barony of Slievemargy, but has had no benefit of the allotment. He shows, too, that there have been two surveys of the barony, by one of which, called the Adventurers' own survey, the barony is estimated to contain but 5,606*a.* 1*r.* 19*p.* and that he has thereby been kept out for the alleged reason that the land in that barony was deficient. In the other survey, however, which is of Record in the Surveyor-General's Office, from which it appears that the amount of forfeited land in the barony is 11,497*a.* of profitable land. When petitioner's petition was referred to the Chief Commissioners, four of them (Raynsford, Beverley, Brodrick and Churchill) reported on 8 August last that Sir Charles Lloyd's case was the hardest which they had met with of that nature and deserved our assistance, suggesting that we should appoint you, Caroll Bolton, Edward Lucas, and Thomas Symmes who were Sub-Commissioners to the above-mentioned Chief Commissioners—or any two of you—to sub-divide the aforesaid barony, according to the down admeasurement, and state the petitioner's lot therein according to the rules whereby the lots of the adventurers ought to have been sketched out. We order you to do this and to certify the result to the Lord Lieutenant or Lord Deputy. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 43.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 39.

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(1) In 1664, the 25th of August fell on a Thursday.

(2) Probably "The General," which was produced in September, 1664. *See* the life of the Earl of Orrery (Roger Boyle) in the *Dictionary of National Biography*.

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29 Aug. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for SIR CHARLES LLOYD, BT.

In the Act of Settlement there is a clause in favour of Sir Charles Lloyd for his lot as an adventurer in the baronies of Connello and Slievemargy. *Proceeds as foregoing* and continues :—

The Sub-Commissioners report[1] that Sir Charles Lloyd had the third lot of the South-East Quarter, no. 2 of the said barony of Connello and had to be satisfied with 2,222*a.* 0*r.* 34*p.* in lands in the parish of Brury [Bruree], co. Limerick, which were allotted as follows :—

Townland.	Acres.
In Shamaclone - - -	45 profitable.
Garrouse - - - -	530 ,,
Brury [Bruree] - - -	522 ,,
,, ,, - - -	94 unprofitable.
Garrane and Lishanacone -	664 odd profitable.
East part of Ballyfonken, Ballymoran, and Ballywillin by a North and South line -	401 odd ,,
	108 odd unprofitable.

The whole amounting to Ir. 2,222*a.* 0*r.* 34*p.* of profitable lands and Ir. 202*a.* of unprofitable.

The report states that Sir Charles is kept out of all these lands by an irregular possession taken by one Samuel Avery before the sub-division. The Chief Commissioners think his case a very hard one [*&c. as in foregoing*] and that we may cause the petitioner or his agent to be put in possession of his lot in the barony of Connello in accordance with the certificate annexed to the report of the Sub-Commissioners. You shall, if you find the facts alleged true, restore Lloyd accordingly and address letters to that end to the High Sheriff of Limerick. *Pp.* 2⅛. *S.P. Dom. Signet Office VI.* 43*d*, 44 *and* 45*d.*

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 39.

Same. SAME to SAME for SAME.

Practically identical with last but one, but containing final directions to the Lord Deputy for restoring Sir Charles by orders to the High Sheriff of Limerick as in the foregoing. *Pp.* 2½. *S.P. Dom. Signet Office VI. pp.* 44*d*, 45 *and* 45*d.*

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 39.

31 Aug. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for SIR ROBERT BIRON.

Directing that he be sworn a member of the Irish Privy Council. He has lately been appointed Master of the Ordnance in Ireland. *P.* ½. *S.P. Ireland* 318, *p.* 40.

(1) *See* last letter, line 4.

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31 Aug. Lisburn. MAJOR RAWDON to LORD VISCOUNT CONWAY.

I have returned here after completing the Act for the Cathedral, as I wrote to your Lordship from Dublin by Sir Hance Hamilton. I came here on Thursday last and found all well. The lowest wall is well forward with its stone work, and I was at your park on Monday [29th October], where the oxen are very fat, and that ground between the new ditch and the little lough dryer than I expected. John Totnam is reaping the oats, but is three oxen short. I went thence to Portmore and spoke with my Lord Bishop of Mr. Milward: but he does not want to part with him, as his man, Mossenden [?], has spent £80 of his rent and can make no satisfaction. But the Bishop said you could have Milward if you really wanted him. Milward himself was pleased to hear your Lordship would like to employ him at Ragley, and said he would thankfully apply himself to your Lordship's commands. The Bishop heard by Mr. Topham how the Act was contrived, and was very passionate about the point that, after the first, the Vicars Choral were to be nominated by the Dean. He said he would never wrong his successors by assenting to this provision. I told him that if he hindered the Act by such objections he would injure his successor more in that he would prevent him from having a Cathedral. The Dean is not yet home, and they wanted sermons for two Sundays; but the last I provided one to preach.

Other details. The hawk is dead. We hope for news that you and my lady had a good journey.

P.S.—My sister Hill is gone on a visit to Rostrevor. Dr. Colvill is coming here on Saturday to stay a fortnight. *Pp.* 2. (*Hol.*) *Conway Papers. Add.* to Lord Conway "at Mr. Burgh's next the *Bear and Ragged Staff* in the Strand, or[1] for Locks and Keys, Wilkinson, in Red Cross Street. *S.P. Ireland* 317, 81.

SEPTEMBER, 1664.

6 Sept. Whitehall. ENTRY of the KING to the [LORD DEPUTY] for LORD KINGSTON.

Sets out at length the report of the Commissioners of Settlement on Lord Kingston's case [*for which see above at* August 13] and proceeds:—

It has been proposed to us, in order to the accommodating all interests in our kingdom of Ireland that some defalcation be made from each particular adventurer and soldier of some part of the lands claimed by him, towards the providing a stock of reprize lands for such as had their possessions decreed from them, or any greater part thereof than shall be judged necessary to be defalked for the ends aforesaid, and for the satisfaction of deficient adventurers; so that if he, the said Lord Kingston, should be exposed to the common provision only to be made in that case he would

(1) The second address in another hand.

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(contrary to the provision intended for him by the Act of Parliament), be a great loser by his ready obedience to our commands, which we think not reasonable. He has already besought us that, in lieu of such proportions as he should or might lose in such case, some further provision may be made for him as in our wisdom we shall think meet. Our will and pleasure therefore is that towards satisfaction of such part of the said lands so delivered up as aforesaid and decreed, or that shall or may be decreed or otherwise disposed from him to the former proprietors or claimants, and as he does not receive reprisal for under the new Bill or otherwise, and over and above such reprizes as he shall receive in common with other adventurers, Lord Kingston be granted lands to the clear yearly value of £700 as hereafter follows. You shall have patents drawn and passed for granting to him and his heirs and assigns for ever—

Kilcolman and the common.	Barnard.
Lescoulta.	Ballyfadny.
Killtemplane.	Cahirmore.
Cloghetecka [Cloghtacker].	Ballibeg.
South Cloghetecka.	Curraghanarrow.
Ballyneneene.	Meelick.
Cragbegg.	Ballitragh.
Inchdrommand.	Upper Meelick.

all of which are in or near the parish of Kilkeedy in the barony of Pubblebrien, co. Limerick, and contain about 1,084 acres. You shall also grant him the towns and lands of Lisduff, Lisnemore, Ballicaran [Ballycarrane] and Cluonatemple [Cloontemple] in or near the parish of Cluanona [Cloonana], and in or near the said barony, containing by estimation 332 acres; and also the towns and lands of Balliglassen [Ballyglassin], Ballemacedi and Ballioutragh [Ballyoughtera][1], in or near the barony of Imokelly and county of Cork and containing about 618 acres. He shall pay rent at the rates at which the soldiers and adventurers pay rent. You shall appoint a commissioner or commissioners to inquire and report as to such other lands within the counties of Dublin, Kildare, and Cork or any of them as are of the clear yearly value of £700 [and are] part or parcels of the land now or lately held in *custodium* by Lord Kingston and not already passed in *custodium* to the Duke of York or granted by our letters patents to Charles Viscount Fitzhardinge. On return of such lands, you shall grant him and his heirs and assigns such lands to the value of £700 a year. For these he shall pay rent at the adventurers' and soldiers' rates. No part of the lands mentioned in Lord Kingston's particular or *custodium* shall be granted to any other persons [other] than [what] have been already granted to the Duke of York and Viscount Fitzhardinge. Full favourable clauses. *Pp.* 9. *S.P. Ireland* 318, *pp.* 40-49.

6 Sept. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for ROBERT MAXWELL, D.D., Bishop of Kilmore, &c.

Bishop Maxwell has recently petitioned us showing that Sir Richard Waldron, Kt., Sir Thomas Waldron, Kt., and Thomas, son of

(1) Mr. Grattan Flood has kindly sent me some of these identifications.

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Sir Thomas Waldron, have been successively seized of two several portions of land lying in the barony of Loghtie [Loughtee] in co. Cavan, called Dromhill and Dromellan, with the lands, &c., thereto belonging, and the advowson of the Rectory of Ana [Annagh] in the co. Cavàn, at the yearly rent of £10 13*s.* 4*d.*, by grant from King James I.

There are defects in the grant, some of the lands being misnamed, others not named, and others named for less than they are worth and others for more, whilst some of the lands are pretended to be concealed. For remedy of this, and to better secure his estate and title in the premises Sir Thomas Waldram [*sic*] in the time of Lord Falkland's government covenanted to pay £21 6*s.* 8*d.* a year; and this rent has since been paid by the Waldrons, and Sir Thomas and Thomas have since enjoyed the lands; but owing to distractions, &c., the patents have not been passed. The petition further sets out that Thomas Waldram's interest has been purchased by Henry, Lord Loughborough, and by him sold to Robert, Bishop of Kilmore, who now prays that we will confirm him in his possession by patents with the same rights as Waldram [*sic*] would have had. We are ready to grant this petition in consideration of the Bishop's loyalty and services, and of the higher rent which has for many years been paid. You shall therefore cause patents to pass granting him the aforesaid two small town lands, and also all the lands of

Tullilagh *alias* Tulkilough [Tullylough].
Ivercoram *alias* Tyrnileen.
Fernam *alias* Farnam [Farnham].
Corrahue *alias* Corragh *alias* Carragh *alias* Corrahowe [Corragho].
Dromonure *alias* Dromonum *alias* Dromavanan [Drumavan].
Dereheen *alias* Dirryline [Derrylina].
Dyradoe *alias* Druda *alias* Dradagh [Derrydaw].
Deeromuliske *alias* Derymuldge [Derryvolgie].
Raholcan [Rahultan ?] *alias* Ferrensyre [Farrenseer].
Cuboyog *alias* Cubege [Coolboyoge].
Dromgoly *alias* Dromgowlla [Drumgola].
Eldermeen [Edermin] *alias* Edrimon *alias* Edrinnick.
Lisdaram *alias* Lisdoran [Lisdaran].
Drombarra *alias* Drombare [Drumbar].
Dromconwick [Drumconnick].
Derrycrafe *alias* Derrecrane *alias* Dereknaffe [Derrycramph].
Gortnefellagh *alias* Gortnesellagh *alias* Gortneseller [Gartnasillagh].
Snakeell [Snakeel] *alias* Curdelagh [Cordalla ?]
Gartemowle *alias* Gortenesowle [Gartnanoul].
Enish and Inch.
Kilkeen *alias* Kelnekeen [Kilkeen].
Farranadawlys.
The Upper Monnery.
Teircullan *alias* Lifferane [Tircullen].
Quagh [Cohaw] *alias* Coughee *alias* Fodelisse.
Dromlany *alias* Dromleighny [Drumleny] *alias* Corleghane.

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Cargagh *alias* Carrigagh *alias* Curnagon [Cargagh].
Dornan *alias* Dranan *alias* Drenagh [Dreenan].
Dromheel *alias* Dromhill [Drumheel].
Currgarran *alias* Cubragarne [Corragarry?]
Samgubrell [Shanurbal or Shanwarble].
Loghohonnocke *alias* Loghoconnoge *alias* Aghnyglogh *alias* Agnagloype [Loughaconnick].
Lisdaffe [Lisduff].
Clonnygonnell [Clonagonnell] *alias* Clonygonner.
Curreene *alias* Currycrene [Curragrean].
Dromhirkna *alias* Dromhecknocke [Drumkirk *or* Drumhecknagh].
Farralue *alias* Farragh *alias* Nasforragh *alias* Isforraugh [Farragh].
Monneryetragh [Monairetragh].
Dyremylen *alias* Dromellane *alias* Dromolan [Drumellis].
Curraghue *alias* Nacorragh *alias* Nacarragh [Curragho].

He shall have these lands with their appurtenances formerly in the possession of the Waldrons. He shall hold them at the yearly rent of £21 6*s.* 8*d.* You shall insert a clause in the patents for creating the said lands into the manor of Farnam [Farnham], in which the Bishop and his heirs may make freeholders notwithstanding the statute *Quia Emptores Terrarum.* He shall have the liberty of a court leet and view of frankpledge with all the privileges usually belonging to frankpledge and other manorial rights. [*Details of manorial rights given.*] Other favourable clauses. *Pp.* 3. *S.P. Dom. Signet Office VII. pp.* 47*d*, 48, 48*d and* 49.

Also note of same. *S.P. Ireland* 318, *p.* 51.

10 Sept. Lisburne.

MAJOR RAWDON to VISCOUNT CONWAY.

On Thursday last your troop was mustered by a Deputy Commissary we have not yet had—one Richard Nevill, who is very strict and punctual. The order for Mr. Mildemay [*sic*] was not sent down, so in that and the exchange of Williamson out of the Duke of Albemarle's troop we must make some application, else six months' pay may be lost to him that is changed for Mildmay [*sic*] and also to Williamson. My Lord of Downe desired me to meet them on the way to Portmore and set out a place to build the church for Ballenderry parish. I did this on Wednesday last, and by the consent of all parties it is to be a little beyond Antony Bunting's, where it will be a considerable strength in case of danger in the country. His lordship will be at the cost, "expecting you give timber and the parishioners draw materials"; and he hath given me £8 on account to put on [in?] the wall of the churchyard here, but he has had a great loss which hinders his setting up a coach this year. His receiver, Mossenden, hath cheated him of £100 and has spent it or played it, so that the only satisfaction which his lordship has is that he is free of him.

Your lordship's tenant, James Hall, was found dead on the highway last week near the "Brode Oke," his horse grazing by him.

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He was drunk and fell, but no hurt found by the jury on his body, and his money was in his pocket. I hear nothing from D. Monro, nor do the parties come to him of late. We have good harvest weather. Yesterday the setting up of Coslett's bridge anew in that deep water employed 50 or 60 men, and William Hoole and me and Will. Hill a good part of the day. All are well at Hillsborough. We have not heard from you, and are anxious. *Pp.* 1¾. (*Hol.*). *Add. Conway Papers. S.P. Ireland* 317, 82.

14 Sept. ENTRY of the KING to the RECEIVERS of the ADVENTURERS' MONEYS for GEORGE HOPKINS.

Divers sums of money amounting to about £3,000 and upwards and paid out of our Treasuries towards the expense of executing the Act of Settlement should, according to the tenor of that Act, be discharged out of moneys payable by the adventurers and soldiers. To the end such money may be speedily reimbursed to our Treasury out of any part of the fund liable to pay it, we have thought fit to direct you to pay to yourselves, out of the first income of the profits and moneys secured for payment of arrears to the commissioned officers who are owed for service in Ireland before 5 June, 1649, so much as may appear to have been expended in executing the said Act. This money shall be paid to you the Earl of Anglesey, and you shall pay £3,000 of it to George Hopkins or his assigns without account, for his relief and until we shall find some more lasting way of rewarding him for his services. *Clauses for execution. Pp.* 1½. *S.P. Ireland* 318, *pp.* 57 *and* 58.

Also note of same. *Three lines. Ibid. p.* 56.

19 Sept. Council Chamber, Dublin. The LORD DEPUTY to LORD MOUNTJOY, VISCOUNT NEWPORT.

This is to signify to your Lordship that the third and fourth subsidies of the four entire subsidies of the nobility granted in the present Parliament over and above the eight subsidies of the present Parliament formerly granted to His Majesty, are assessed and extreated into His Majesty's Court of Exchequer according to the statute, in which your Lordship stands charged for each of the said two subsidies in the sum of £12 10*s.*; or in all £25.

Sir Paul Davis, Kt., is appointed collector of the several sums contained in those extreats. We pray you to pay the said sums to him forthwith, the first of which was payable on 1 June and the second on 1 September. *P.* ½. *Signed, and with seal. Add. S.P. Ireland* 317, 83.

Same. SIMILAR DEMANDS to the following PEERS:—

Lord Gorges of Dundalk - - - - - -	£20
Lord Coleraine - - - - - - - -	£20

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Lord Alington of Kilradd - - - - - -	£25
Lord Sherrard of Leitrim - - - - - -	£20
Lord Hawley of Duncannon - - - - - -	£10
Lord Maynard - - - - - - - -	£25

Each about p. ½. *Add. and with seal. S.P. Ireland* 317, 84-9.

20 Sept. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for MR. HAMILTON and CAPTAIN ROCHE.

An Act was passed in 39 Elizabeth against rogues and vagabonds, wherein, amongst others, "pedlars and petty chapmen were so deemed and adjudged." In 1617, on the petition of many honest pedlars and petty chapmen who showed that their trade was very useful to those who lived remote from towns, and that if they were encouraged they would greatly increase the manufacture of the nation. "To the end the honest and industrious petty chapmen might be encouraged, and the idle dissolute rogues and vagabonds, who travel and wander in the habit of pedlars and petty chapmen, might be suppressed and called in according to the statute aforesaid," King James erected an office for licensing pedlars and granted to Sir Abraham Williams and others the right to licence such petty chapmen as should produce a certificate under the hands of two Justices of the Peace to testify to their honesty and faithfulness to the Government, and likewise give £40 bond and security for their good behaviour. This patent is expired and the officers deceased "and the former abuses and misdemeanours grow greater, partly through neglect and partly through the depredations of the late ill times." We have therefore thought fit to revive the said office and grant the management thereof to Colonel Edward Gray, Thomas Killigrew and others, under our Great Seal. We intend to erect a like office in Ireland and desire you to grant it to George Hamilton and Captain James Roche at a rent of twenty marks a year. *P.* 1. *S.P. Dom. Signet Office VI. pp.* 49 and 49*d.*

21 Sept. NOTE of pass for Sir Maurice Berkeley for four horses, mares or geldings, to Ireland free of custom. *Two lines. S.P. Dom. Entry Book XVI. p.* 238.

23 Sept. Whitehall. The KING [to the LORD DEPUTY] for COLONEL RICHARD GRACE.

By our letters of March 5, 1661[-2], we required you to pay Colonel Grace £100 a month out of the yield of the profits either of forfeited lands set out for reprisal or of the [rents] reserved upon any *custodium* or lease of the said lands, till the said Colonel Grace should be restored to his estate in Ireland. You shall continue to pay the pension out of those moneys or any others due or which shall hereafter grow due and payable to us as from before the 27th of July, 1662. *P.* ½. *Ibid. pp.* 49*d and* 50.

Also entry of same. *S.P. Ireland* 318, *p.* 52.

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28 Sept. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for ROBERT KENNEDY.

In consideration of the faithfulness of Robert Kennedy, of Balligarny, co. Wicklow, we require you to pass letters under the Great Seal containing a grant to him and his heirs and assigns erecting into a manor the castles, towns, lands, &c., of Balligarny [Ballykearney], Cooldill *alias* Coolldaill [Cooladilly], Tirahen [Tirehane], the two Drombanes [Drumbawn], Ballihorfin [?] [Ballyvaughan], Glanmortagh [Glenmurtagh], Teetoore [Tithwere], Carrigelogh [Rockfield], and the two Carrigoures [Carrig], Moneflugh, Killmurry [Kilmurry], Killenrie [Killenreagh], Monelen [Monalin], Killmacollo, Monecarrell [Moneycarroll], Killpeder [Kilpedder], Ballironane [Ballinroan], Balligarold, Johnstowne and Banagroe, Ballimahensie *alias* Ballimacaricke, Molamea [Mullaghreagh], and Knocknesough,[1] all in co. Wicklow. The manor shall be called Mount Kennedy. Kennedy shall have power to set aside 3,000 acres for demesne lands, and may aliene in fee or for lives such part as he shall think fit, and shall hold of us and our heirs *non obstante* the statute of *Quia Emptores* "in free and common socage or by suit of court from three weeks to three weeks or seldomer or otherwise by any other lawful reservations." He shall have a court leet and view of frankpledge, may impark 500 acres, or more or less, for deer and shall have other manorial rights [*details given*] and may hold a Court of Record within the manor of Mount Kennedy by himself or his seneschal with jurisdiction of pleas in personal actions up to £4. *Other details.* *Pp.* 2. *S.P. Ireland* 318, *pp.* 54-6.

Also note of same. *Ibid. p.* 53.

30 Sept. Whitehall. ENTRY of WARRANT to the SOLICITOR-GENERAL.

We formerly, sitting in Council, directed that care should be taken for restoring Nicholas Viscount Nettervill to his estate in Ireland by a clause in the bill then to be prepared for the settlement of that kingdom. Since then several alterations have been made in the form of that bill. We nevertheless desire that Lord Nettervill may have the benefit of these our intentions, and therefore order that the annexed clause be inserted in that bill so far as you may find it agreeable to the rules and method thereof. *P.* ½. *S.P. Dom. Entry Books XVI. p.* 248.

OCTOBER, 1664.

1 Oct. Lisburne. COPY of ADAM LEATHES to VISCOUNT CONWAY.

I deferred writing to your Lordship till the last fair of this town was past, which was a week ago, that I might be able to tell you of a more considerable sum to have come to my hands to have

(1) Mr. Grattan Flood has kindly supplied me with several of these identifications.

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discharged your payments here. I did receive something then, but not much; for after a month of fine harvest weather the fair came on a very wet stormy day, which greatly spoiled it. In all I have gotten in since you left about £350, and have paid it out as follows:—

Upon Mr. Wait's bill of exchange - -	£100	0	0
To John Tailor, of Ballinderry, in part of his bill of exchange - - - - -	£80	0	0
To Francis the gardener's workmen - -	£30	0	0
For his wages, on account - - -	£4	13	2
To Mathew Betts for surveying Mr. Burgh's lands - - - - - - - - -	£1	3	6
To Mr. Leonell Conway, which he disbursed about the hawks - - - - - -	£0	19	6
Disbursed on account for hay made about this town and Castle Robin Park - -	£10	0	0
For bricks and leading them, for limestone leading, and for masons' and bricklayers' wages and other expenses about the building - - - - - - - -	£40	0	0
To Francis Obery for his clothes and to his master to whom he is apprentice -	£6 odd		
Mr. Haughton and Phelim Neille for clothes	£3	0	0
Part of the debts unsatisfied about the house account - - - - - -	£115	0	0
The Bishop's rent, due 1 May last - -	£24	0	0
Mr. Tandy was here this week and when he went away I paid him, for Mr. Gillhampton, £6; for Tennant, the saddler, £5; and for the coachmaker, £5; in all - - - - - - - -	£16	0	0

These are all the debts that are as yet payable on the notes you have given to your Dublin creditors. These payments amount to within £4 or £5 of my receipts. As fast as money comes in I will pay off debts until I can get upon a clear account, which I will hasten as fast as I can.

There was a letter, signed by the Lord Deputy, delivered to me this week by Major Rawdon for the two last subsidies of the £12, amounting to £60. I knew no better way to answer it than to get it assigned towards satisfaction of your troop in their six months' pay. "I have spoke to Mr. Tandy to use his endeavours in it, wherein if he can obtain, I shall find a way to stop all or the greatest part thereof from the troop by their own consent upon the tenants' accounts, and upon the account of their hay, for the most part of which I stand engaged."

Phel. Neill says you promised to remit his May rent, as well as his All Souls' rent before he left. Monsieur Fountaine also pretends you promised him "woodleave" if he would build and settle here. Having bought the house wherein Captain Newton dwelt, with a design to dwell there, and intending to raise it higher and make it a handsome house, he asks me to furnish him with what timber will be wanting about it, and shingles to cover the same.

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All the stone walls are coped with brick and the lowest wall in the garden designed to be built by your Lordship has the foundation laid, and the one half thereof is raised with brick about two yards high and the other half one yard high. The bricklayers are raising the lowest part up to the other. But Thomas Abbott has been taken off this week and sent to Tuny to take care in the building of the chimneys there. This retards the work at home.

John Totnall tells me that the yoke of oxen you bought from Major Richardson are worth £8 and that Lieutenant Hill's seven oxen are worth £7 the pair. This is the price at which you agreed to buy them. *Pp.* 1½. *Unsigned. Conway Papers. S.P. Ireland* 317, 90.

4 Oct. ENTRY of WARRANT to the SOLICITOR-GENERAL.

To prepare a proviso to be inserted in the bill now under consideration for the settlement of Ireland on the behalf of John Lord Kingston, according to the report signed by the Earl of Clarendon, the Duke of Ormond and Earl of Orrery. This proviso shall confirm to him the benefit of the King's letters therein mentioned, with reprisal out of all the lands granted to him in *custodiam* except such as shall be by this bill confirmed to Lord Fitzharding, and the present possession and profits thereof, until he be reprized. He shall also have the further provision intended for his reprisal. Favourable clauses. *P.* ½. *S.P. Dom. Entry Books XVI. p.* 246.

4 Oct. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for PHILIP CARPENTER.

Philip Carpenter, our chief Serjeant-at-arms in Ireland, petitions showing that our late father demised to his uncle, Josua Carpenter, the manor of Kilcowan with other lands in co. Wexford, for thirty-one years at £30 a year. This lease has devolved on petitioner, who has been kept out of possession by the rebellion and usurpation for twenty-three years. He asks that he may be allowed to surrender his lease and to take a new one for forty-one years. You shall accept this surrender and grant him a new lease on such terms as you may think fit. *P.* ½. *S.P. Dom. Signet Office VI. p.* 51.

Also note of same. *S.P. Ireland* 318, *p.* 53.

Same. ENTRY of SAME to the EARL OF ANGLESEY.

In consideration of the services of Captain Charles Farrell and of his brothers, Roger and Francis, you shall pay him £100 for his present relief out of what sums grow due to us by the rents of *custodium* lands. *P.* ½. *S.P. Ireland* 318, *p.* 53.

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5 Oct. Lisburne. MAJOR GEORGE RAWDON to VISCOUNT CONWAY.

We have had no letters from England since yours of September 10. This I prepare for Mr. Milward, who promised to be here with me last night and from hence to set forward towards Ragley "by way of Scotland" for so I have advised him. But he is not come, and I am obliged to go to Carrickfergus for the sessions and issue warrants for collection of the last two subsidies in this county. I was at Glenavy last week and William Hoole and [I] have projected many things to be advantageous thereabout if we can "compass the lands there"; but there is as yet no hint of a treaty. Your oxen are fatter than they were last year and there is much more grass in the park, where we intend an orchard under the new house, and I hope to have it furnished this winter with trees. The place is likely for fruit and I have begged about for young trees. My Lord Massereene has asked for bricks, which he is to have, and I have asked him for trees and many other of our neighbours. The object of the orchard is chiefly to make cyder. I wish your lordship could find us some young trees "of that naughty apple only fit for that use. I have forgot its name." Lord Massereene is to send for your colt, and we will remember the buck when it is seasonable. God willing, I intend to be at Dublin, about the 26th and "stay a little to prepare the verdict," and then to march to Wexford on the Duke of Albemarle's service, whence I shall go back to Dublin and stay in the term about this troublesome suit at law. Adam tells me he hath written to your lordship last week his money comes in slowly, so I have written to get your subsidies put in the assignment for these six months. I doubt they will not pay ready money, as was projected, at least but a small part of them.

We want a gardener here, for the young trees are not thriving so well as I have seen them do in other places.

Quarter-Master Alfort hath been at death's door and has had Mr. Brook and a doctor with him. He may recover. *Other details.* Dean March [Marsh] and his wife and her two sisters are here and my sister Hill; so that company was with us yesterday. She desires to have her most humble service presented to your lordship and my lady, and so do they. My sister Hill and the children are well. *Other details.*

P.S.—Drafts of cattle pass by still into Scotland. How they get them thence into England I do not know. *Pp.* 2. (*Hol.*): *Conway Papers. Add. to* Lord Conway at Ragley. *Endd. S.P. Ireland* 317, 91.

14 Oct. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for VISCOUNT RANELAGH.

Recites at length the letters in Lord Ranelagh's favour dated 17 January, 1664 [*for which see above p.* 352 *et. seq.*] *and proceeds*—

Viscount Ranelagh has not yet benefitted by these letters, which were only directed to you, the Lord Lieutenant, and not to the

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Governor of Ireland for the time being. We now require you, our Lord Lieutenant and you our Lord Deputy, and any other Governor or Governors of Ireland for the time being, to pass patents in Lord Ranelagh's favour in the sense of the above-recited letters. *Details.* *Pp.* 2½. *S.P. Dom. Signet Office VI. pp.* 51*d*, 52 *and* 52*d*.

Also note of same. *Four lines.* *S.P. Ireland* 318, *p.* 56.

15 Oct. Lisburn. ADAM LEATHES to VISCOUNT CONWAY.

Hearing from you from Ragley, I fear my letters of 1st October in which I told you all about your fairs, and which I directed to Con Magenis in London, may have missed you. I therefore send a copy of it [*see above at* October 1]. Nothing much has happened since owing to "the scarcity of money and the extraordinary cheapness of goods." I have, however, paid :—

To John Taylor on his bill of exchange, besides the £30 paid before - - -	£20	0	0
To John Darley, the mason, for completing his bill for £17 odd, for covering the two walls and for the windows and doors of the Tower - - - - - - -	£12	0	0
To William Conway for bricks - - -	£5	0	0
To Graves, the clothier, of Dublin - -	£14	10	0
To Mr. Attwood, the tailor, on account -	£10	0	0

I have also paid £15 of the debts left unsatisfied on the house account.

Major Stroud came home well and also his fine bay nag. *Other details.* *P.* ½. (*Hol.*) *Add. to* Viscount Conway, and "Leave this for his Lordship with Mr. Lisson at the post house in Covent Garden." *S.P. Ireland* 317, —.

24 Oct. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY and others, Chief Governors, for SIR GEORGE LANE.

We are pleased that the castle, town and lands of
Ballileag [Ballyleague]
Brackagh
Aghereagh [Aghareagh]
Knock
Gurtingare
Bellaleigh
Aghamore
Clanbonagh [Cloonbony]
Garry
Corry and Leary [Laragh] in co. Longford in Ireland be created one entire manor of Lanesborough [and be granted to Sir George Lane]. It shall be lawful for him and his heirs to set apart 800 acres or less of this land for demesne land; and to aliene, &c. [*as above*, in the grant to Robert Kennedy, *q.v.* on *p.* 438] notwithstanding the statute of *Quia Emptores*.

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He shall have power to impark 600 or less or more acres in the said manor or in the manors of Rathcline and Lisduff. He may appoint a clerk of the market who may take the usual fees. His Court of Record shall have cognisance of pleas in any personal action for any sum up to £200. In order that Lanesborough may be better planted, Ballyleag or Bellaleigh shall be made a free borough and corporation with the name of Lanesborough, extending one hundred acres from its middle outwards and shall have a sovreign, two bailiffs and twelve burgesses "to be first named by Sir George Lane," his heirs, &c. There shall be so many freemen as the sovreign, bailiffs and burgesses appoint; and Lanesborough shall have the right to return two burgesses to Parliament and the other rights of a free borough. There shall be a mayor and constable of the staple, who shall have power to take bonds of the staple in as ample a manner as is used in Dublin. The sovreign for the year after his serving in that office shall be sovreign and mayor of the staple, and the bailiffs, for the year after their service shall be constables of the staple from time to time for ever. They shall have privileges similar to those granted to the boroughs of Hillsborough and Banagher. Sir George Lane shall have the right of appointing the Recorder and Town Clerk. You shall pass patents accordingly. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 53 *and* 53*d.*

Also entry of same. *Pp.* 2½. *S.P. Ireland* 318, *pp.* 59-61.

General date 24 Oct.

DOCUMENTS RELATING TO THE CASE OF JAMES FITZGERALD, OF LACKAGH, CO. KILDARE.

Petition of Fitzgerald to the King showing that:—

Petitioner's sufferings under the late usurpation and his constant service under the Royal banners beyond sea till the Restoration induced your Majesty on 26 October, 1660, to grant that petitioner should be restored to such part of his estate as was not set out to adventurers or soldiers. The Court of Exchequer was ordered to put the estate out of charge, and the tenants upon it were directed to pay their rents to the petitioner.

Petitioner has nevertheless not yet succeeded in having these lands put out of charge. The tenants who, in accordance with your Royal direction, have paid petitioner their rents are now sued by process out of the Exchequer, and will be compelled to repay those rents next term unless relieved by your Majesty's wonted goodness.

Petitioner prays for direction from your Majesty that the said rents to 1 May last be put out of charge, and that the tenants who have paid him be indemnified for so doing. *P.* ½. *Underwritten with—*

Order, dated 12 September at Whitehall, *and signed by* Secretary Bennet, referring the petition to the Lord Lieutenant of Ireland, *and endd. with—*

1664.

Report by the Lord Lieutenant on the foregoing Petition.

Recommends that the petition be granted. *P.* ½. *Signed. The whole, p.* 1. *Endd. S.P. Ireland* 317, 92.

The King to the Lord Lieutenant or Lord Deputy for James Fitzgerald, of Lackagh.

On 20 October, 1660,[1] we directed that Fitzgerald should be restored to so much of his lands as was not in the hands of adventurers or soldiers. We then directed that the Court of Exchequer should put the same out of charge and that the tenants on the lands should pay their rents to Fitzgerald.

He now petitions showing [*see his petition above*]. You shall cause all his lands, whether he possesses them by attournment of the tenants or otherwise, to be put out of charge and shall "supersede and forbear" all process against him or his tenants in the Court of Exchequer concerning the rents from them due to us since 26 October, 1660. Favourable clauses. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 54 *and* 54*d.*

Also entry of same. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 64-65.

Also draft of same. *Pp.* 2. *Dated — October*, 1664. *Endd. S.P. Ireland* 317, 93.

Also copy of part of the letter of 26 October, 1660, referred to above. *P.* 1. *Ibid.* 94.

This concludes the documents relating to this case.

24 Oct. Entry of the King to [the Lord Lieutenant and Lord Deputy] for Major Robert Ward.

Major Ward petitions showing that in the barony of Lecale in Ulster there is a place called the Strand of Kellogh [Killough], which at low water only is passable by travellers, containing about one hundred acres within the full sea or salt water mark, and that he would be willing to expend a considerable sum of money to recover the same, "which cannot be effected without first building a bridge for the passage over a full sea, whereas now passengers are forced to go five or six miles about, and all such vessels as usually resort thither may have more water and security than now they have," and our revenue be improved and our subjects receive advantages. You shall grant Ward the strand for such time and at such rents as you think fit. *P.* 1. *S.P. Ireland* 318, *p.* 63.

Same. Same for Robert Kennedy, of Wicklow.

Directing that he be made a baronet of Ireland with the usual privileges. *P.* ½. *Ibid. p.* 64.

(1) *See Cal. of S.P. Ireland* 1660-62, at *p.* 69 and last but one above.

1664.

24 Oct. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for GEORGE DOYN.

Directing that Doyn, who has been found innocent by the Court of Claims in Ireland, be, as he petitions, restored to the reversion of a house and appurtenances in the city of Dublin. *P.* ½. *S.P. Dom. Signet Office VI. p.* 54*d.*

Also entry of same. *P.* ½. *S.P. Ireland* 318, *p.* 66.

[24 Oct.] PETITION of LADY ELIZABETH TYRRELL to the KING, showing that:—

The Parliament in consideration of the great losses sustained by James Ussher, late Archbishop of Armagh (the petitioner's father) in the Irish rebellion transmitted a bill to the King's consideration containing, amongst other things, a clause for the settlement of £500 a year on the petitioner and her heirs, out of forfeited estates in Ireland.

Petitioner prays for the King's order to the Lord Lieutenant and such Lords and others as are appointed to prepare the bill for the settlement of Ireland to insert the same [provision] according to His Majesty's gracious intentions. *P.* ½. *Underwritten with*—

Order, dated 24 October, at Whitehall, *and signed by* Secretary Bennet.

The King, being willing to encourage the good inclinations of the Parliament of Ireland towards the petitioner, is pleased to refer her petition to the Lord Lieutenant of Ireland and the rest of those appointed to draw up the bill for the settlement of that kingdom. They shall consider it and certify the King what they think right to be done therein. Whereupon the King will express his pleasure. *Endd. with*—

REPORT by the LORD LIEUTENANT and others on the foregoing PETITION.

There are reserved in the bill now in preparation—to be disposed of as your Majesty thinks fit—the mesne profits of the lands set out for English arrears and for satisfaction of the adventurers upon the doubling ordinances, and also the moneys received by any person who hath sold his land in Connaught to which he was transplanted and [who] has since been restored. Your Majesty may be pleased to give to Lady Tyrrell and her assigns £3,000, in consideration of the sufferings of her late father, Primate Usher, and in lieu of the £500 a year directed to be settled upon her and her heirs out of the forfeited interests in Ireland by a clause in a bill transmitted from Ireland. Your Majesty should give order to the Solicitor-General in Ireland for inserting a clause in the said bill for the £3,000 to be paid to her after the payments ordered from those funds for Mr. Henry Coventry, Colonel William Legge, the

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Earl of Inchiquin, Lord John Berkeley, and the other payments so previously ordered, have been discharged. *P.* ½. *Signed.* (*Hol.*) *by* the Lord Lieutenant, the Earls of Orrery, Anglesey and Cork, Lord Conway and Killulta, Lord Kingston, Sir Henry Bennet, Sir John Temple, Thomas Pigott, and Sir Thomas Clarges. *In all, pp.* 1½. *Endd. S.P. Ireland* 317, 95.

24 Oct. ENTRY of the KING [to the LORD LIEUTENANT and LORD DEPUTY] for the WIDOW ROCHEFORT.

We hear that Elizabeth Rochefort *alias* Preston, relict of Henry Rochefort, Esq., desires protection against such as may wrongfully disturb her in her possession of the lands which belonged to her late husband and were decreed to him in our Court of Claims. You shall give her such relief in this matter as you shall deem to be consistent with the laws in force in Ireland. On her further application, from time to time, to you for protection, you shall protect her. Her late husband served us loyally abroad. *P.* ¾. *S.P. Ireland* 318, *p.* 62.

24 Oct. Whitehall SAME for RICHARD, EARL OF WESTMEATH.

We have long intended to restore the Earl of Westmeath, but his restitution has met with some obstacle as to what [part of his land] was in the hands of adventurers and soldiers. For his present relief it was held fit he should enjoy those impropriations which formerly belonged to him and his ancestors, and whereof they were formerly possessed, those being in our dispose and not in the hands of adventurers and soldiers. We think fit that such impropriations should be continued to him and that he should receive their mesne profits since he was established in them. You shall keep him in quiet possession thereof until we make fuller provision for him in the Act now under consideration. *P.* ½. *Ibid. p.* 67.

30 Oct. Dublin. SIR GEORGE LANE to JOSEPH WILLIAMSON.

I hope our good friend, Lord O'Brien, will be with you before this can come to your hands. I accompanied him to the waterside on the 26th, when he took ship. He can give you full information as to all that is happening here. His lordship has demeaned himself here with a nobleness and generosity towards the house of Ormond so great that all the well wishers of that family cannot but wish him all imaginable happiness. *P.* ⅔. (*Hol.*). *Add. Endd. S.P. Ireland* 317, 96.

30 Oct. Whitehall ENTRY of the KING to ARTHUR, EARL OF ANGLESEY, Vice-Treasurer of Ireland, and others for COLONEL EDWARD VILLIERS.

The mesne profits out of the lands set out in Ireland for English arrears and also set out on the account of the Doubling

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Ordinance, and the money due for any lands sold by any Irish who were transplanted into Connaught and Clare and who are or shall be restored to their former estates, belong to us and are in our disposal. As a mark of our favour to Colonel Edward Villiers we grant him £1,000 out of those sums, and require the Vice-Treasurer of Ireland or other proper official to pay this sum to him. *P.* ½. *S.P. Ireland* 318, *p.* 69.

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4 Nov. Whitehall. The King to the Lord Lieutenant and Lord Deputy for Mathew Dowdall, of Cloran, co. Westmeath.

Dowdall was found innocent by the Court of Claims in Ireland, and had restitution of his estates there other than those in corporate towns, which were reserved to our special directions. You shall issue your warrant for repossessing him of the houses, &c., appearing by his claim and decree to belong to him in the city and liberties of Dublin, to wit three houses, ten acres of land near Kilmainham, and three houses and twelve acres of land in the town and liberties of Dundalk. *P.* ½. *S.P. Dom. Signet Office VI. p.* 55.

5 Nov. Whitehall. Same for Doctor Edward Woolley.

Directing that Doctor Woolley be promoted Bishop of Clonfert and Kilmackoo [Kilmacduagh]. Letters to be prepared as well for the "donation" of the Bishopric as for his consecration, investiture and for the restitution of temporalities, which are to be held by him in as ample a manner as his predecessors held them. *P.* 1. *S.P. Dom. Signet Office VI. pp. 57d and* 58.

Also entry of same. *P.* ⅛. *S.P. Ireland* 318, *p.* 68.

Same. Same to Same.

We have to-day directed you to appoint Dr. Edward Woolley, one of our Chaplains-in-Ordinary, to be Bishop of Clonfert and Kilmacoo [Kilmacduagh], in the place of Dr. Bayly, deceased. The Act of Settlement prescribed that such of the Archbishops', Bishops', &c., lands [*mentions* all church lands] as had been granted in fee farm under the reservation of any chiefries and are by the act forfeited to us should be set out for the better support of such Archbishops and Bishops as are in the act particularly named; and, amongst others, a sum of £200 a year is allocated to the Bishop of Clonfert. We understand that the lands intended to be set out to meet this particular charge are not yet set out; and therefore direct you now to set them out in favour of the new Bishop and his

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successors, according to the tenor of the Act of Settlement. Clauses for execution. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 56*d*, 57, *and* 57*d*.

Also note of same. *Four lines. S.P. Ireland* 318, *p.* 68.

12 Nov. ENTRY of WARRANT to SIR HENEAGE FINCH, SOLICITOR-GENERAL.

To prepare a bill for the Royal signature containing a grant to Sir Peter Harvey, of Dublin, and Alexander Bence, of London, of all the duties of excise and new impost payable to the King and his heirs, &c., in Ireland upon ale, beer, *aqua vitæ*, strong waters and other exciseable liquors, and also all other duties and impositions due to the King [&c., as before] under an act passed there entitled "An act for the improvement of the King's revenue upon the granting of licences for selling ale and beer" with a clause for securing to the said farmers the management of the said excise by such Commissioners only as shall be appointed by the Lord Lieutenant, &c., and Council of Ireland. The bill shall also contain a clause awarding half of any fine or forfeiture imposed under the Excise laws to the informer on whose information it is inflicted, and half to the said farmers, who shall account for the same to the Exchequer in Dublin. Harvey and Bence to enjoy the grant for six years from 25 March, 1665, at a rent of £39,000 payable to the Exchequer in Dublin at the usual feasts, with a penalty in case such payment be not made within ninety days of the date when it is due. The first payment shall be made on 24 June, 1665. A clause to be inserted providing that the farmers be not assessed or taxed in respect of this farm, but for their particular estates in Ireland, and exempting the farmers and their officers from the duties of public offices or of serving, if pressed, as officers or soldiers for service on land or sea. They shall likewise have the use of all the public places in Ireland now used as offices of Excise and shall have out of their last quarter's rent allowance and defalcation to the amount of £ , for the expenses of enlarging and fitting up the present Excise offices or for the buying, building and fitting of places (where none are) to keep offices of Excise in; the same to remain to the King after the term be ended. Other reasonable clauses to be inserted on the model of those in the farm of the Excise of London, and whereby this grant may be made more effectual. *Pp.* 1½. *S.P. Dom. Entry Books XVI. pp.* 269-270.

12 Nov. Whitehall. The KING [to the LORD DEPUTY?] for PATRICK ARCHER.

Recites the King's letters of 8 July, 1661,[1] which authorised a payment of £205 a year to Archer. The sum due on those letters is now £432 10*s*. in arrear. Archer shall be paid this sum. *P.* ¾. *S.P. Dom. Signet Office VI. pp.* 55 *and* 55*d*.

Also entry of same. *P.* ¾. *S.P. Ireland* 318, *p.* 70.

(1) For which *see Calendar of S.P. Ireland*, 1660-1662, *at page* 378.

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12 Nov. Whitehall. The KING [to the LORD LIEUTENANT] and LORD DEPUTY for JOHN EYRE.

On 10 June, 1662, the Lords Justices, in pursuance of our pleasure expressed on 7 February, 166½, restored Colonel Richard Grace to his lands of Moyely and other lands mentioned in that order, which lands then appeared to be in the hands of John Eyre, either for his own arrears or for those which he had purchased. The Lords Justices by their order directed that certain lands[1] should be set out to him; and their order was confirmed. You shall forthwith give order for passing letters patents containing a grant of these lands to Eyre and his heirs, with a clause for compensation in case such lands should not be equivalent to what he gave up to Colonel Grace, or in case he be legally evicted therefrom. *Pp.* 2. *S.P. Dom. Signet Office VI. pp.* 55*d*, 56, 56*d*.
Also note of same. *Four lines. S.P. Ireland* 318, *p.* 71.

16 Nov. H. M. to JOSEPH WILLIAMSON.

There is no news here since my last except that Ensign Bulkley (my Lord Bulkley's brother, who lately engaged as a second in a duel fought by Colonel Dempsy and one Mr. Lutterell and was dangerously wounded) is now esteemed past danger. Several persons were drowned going from Lazy Hill to a ship lying about "the Rings end" in the late storm, which hath done much prejudice to divers houses in Dublin and elsewhere. Bishop Bayly, of Clonfert, is lately dead of the palsy. We do not yet know here who shall succeed him. I will let you hear the news. *P.* ½. (*Hol.*). *Add. S.P. Ireland* 317, 97.

16 Nov. Whitehall. The KING to the LORD LIEUTENANT, LORD DEPUTY and COUNCIL, for SIR GEORGE LANE.

We hear that Sir George Lane prepared a petition to you setting forth that he had been at great pains in settling the affairs of our army and had received no allowance or satisfaction for the same, although Mathew Lock, who preceded Sir George as Secretary to the army had 20*s*. a day allowed him and 5*s*. for his clerk. The petition was by the order, dated 11 January, 166¾, of you, the Lieutenant, referred to Chief Baron Bysse, Sir Paul Davis, and Sir James Ware; and on 27 February, 166¾, they reported that Lock, and Lock's predecessor, Sir James Cuffe, had had these allowances, and recommended that they should be given to Sir George Lane as from 27 July, 1662, the date of the arrival of you our Lieutenant in Ireland. We grant them to Sir George and direct they be placed in the establishment of our military list for Ireland. You

[1] The names are given, and are identical with those in Eyre's petition, for which *see Calendar of S.P. Ireland*, 1660-62, *p.* 596.

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shall either by letters of *concordatum* or other warrant direct our Vice-Treasurer and Treasurer at Wars to pay the arrears of these sums, from 27 July, 1662, to Sir George. They shall be paid during such time as he may continue in the employment of Secretary for the affairs of the Army. *Pp.* 2. *S.P. Dom. Signet Office VI. pp.* 58, 58*d and* 59.

Also note of same. *Four lines. S.P. Ireland* 318, *p.* 71.

18 Nov. London. The Earl of Orrery to Viscount Conway and Killulta.

I am sorry not to have heard from you for three posts, especially as I fear that your silence may be due to the indisposition of your lady. I long to hear what success Dr. Wallis' art will have. I "concernedly" regret her illness and pray for her recovery.

I knew you would be glad to hear of my wife's safe delivery and of my son's engagement.

Mr. Solicitor cannot proceed on the bill till the Parliament sits, which will be Thursday next, "and then he has promised us every morning till ten o'clock till the bill be finished. You should put your proxy for the Parliament into the Duke of Ormond's hands. He has no proxy, and will take it kindly at your hands. I send you the form. I advised the Duke of Richmond, who is going to sea and consulted me on the matter, to leave his proxy with the Duke of Ormond also.

"The great defeat given to the French at Gigery[1] and the loss of Monsr. Gadaigne, the best foot commander of France, with the strong report that the Emperor is sending 25,000 men for Flanders will as 'tis thought contribute much to my Lord Fitzhardinge's receiving a good answer to that business His Majesty sent him about to the King of France."

My Lord Lieutenant has commanded me to wait on him to More Park[2] on Monday, and I shall be out of town till Wednesday, so shall not be able to wait on you on Tuesday, "but where ever I am I am still my dear Lord,

Your own Orrery."

Pp. 2. (*Hol.*). *Conway Papers. Add. S.P. Ireland* 317, 98.

19 Nov. Worcester House, [London]. Sir Allen Broderick to Joseph Williamson.

Asks for a pass for five coach horses and two saddle nags for his relative, Mr. St. John, who is going to live on his ancient estate in Ireland. The King now gives these passes immediately. *P.* 1. *Add. Endd. Ibid.* 99.

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(1) Djidjelli, a French factory on the Algerian coast, where a French expeditionary force sustained a severe defeat in 1664.

(2) Moor Park, near Rickmansworth.

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23 Nov. Whitehall. The KING to the LORD LIEUTENANT for the EARL OF ORRERY, CARROLL BOLTON, THOMAS TAYLOR and others.

The Act of Settlement provided that the sum or sums of money forfeited by any adventurer or adventurers by reason he or they did not pay in their full proportions respectively subscribed by them under the Acts of 17 and 18 Car. I, should be vested and settled in us and our heirs. Such forfeited adventurers [*sic*] or sums of money are usually called "the Lapsed money." By the late usurper many of the said adventurers [*sic*] and subscriptions have been granted to persons by whom they are forfeited, and these men have had lands set out to them and have enjoyed them for many years past, though, by the Act, they belong to us. As we are not bound to respect these transactions we direct you to make inquiry for the lands so set out, and for this purpose to issue commissions of inquiry to Carroll Bolton and Thomas Taylor, Esqs., sworn sub-commissioners for settling and satisfying adventurers and soldiers. You shall direct them to find out—by examination of the books of adventurers transmitted from Grocers' Hall and of the claims and particulars of the adventurers who claim satisfaction by lands in Ireland according to instructions formerly delivered to them under our Great Seal, and by oaths of lawful men and otherwise as they may be able to do—what lands have been set out and possessed, by whom and for what satisfaction or part satisfaction of any of the said forfeited adventurers [*sic*] or lapsed money, and what part thereof hath been restored to innocent Protestants or Papists. They shall certify the same to you in three equal shares or proportions, having regard to the Act rates of the prospective provisoes, in the Court of Chancery in Ireland. Upon return of their inquisition you shall cause the lands so set out, and not restored to innocent persons to be seized for our use. Of one-third thereof you shall make use according to our best advantage. A second third you shall deliver to Roger, Earl of Orrery, to be held by him according to the terms of our patents of September, 1663; and the other third you shall deliver to Sir Edward Nicholas, Kt., of our Privy Council here, and Sir William Morrice, one of our principal Secretaries of State. *Pp.* 2⅓. *S.P. Dom. Signet Office VI. pp.* 60, 60*d*, *and* 61.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 71.

Same. NOTE of the KING to the EARL OF ANGLESEY.

For paying £3,000 to James Hamilton, the said sum remaining in the hands of one George Hopkins, Esq. *Three lines.* "Entered at large in the signet book." *Ibid. p.* 74.

Same. SAME to SAME for RICHARD HEATON, D.D.

Dr. Heaton is rightfully possessed of the lands of Ballyskenagh in the barony of Clonlisk, King's County, sometimes heretofore in

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the hands and possessions of Myles Carrell, *alias* Mulrony Carroll; and is afraid that he may be disturbed therein by rights arising to us in the same. In reward of his loyalty and sufferings, &c., we desire that you shall, upon surrender made of his estate and title in and to Balleskenagh [*sic*] cause patents to pass for regranting him the said lands. Clauses for execution. *P.* ⅔. *S.P. Dom. Signet Office VI. pp.* 64*d. and* 65.

Also copy of same, *certified by* W. Trumbull. *P.* ⅔. *Endd. S.P. Ireland* 317, 100.

Also entry of same. *P.* ⅔. *S.P. Ireland* 318, *pp.* 74-75.

23 Nov. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for JAMES WOLVERSTON.

Wolverston petitions that he and his grandfather, William Wolverston, was lately adjudged innocent by decree of the Court of Claims in Ireland and restored to his lands in Stillorgan and elsewhere in Ireland which descended to him from his said grandfather. Since then James has obtained a judgment in the Court of Exchequer to put the said lands out of charge as to all rents raised thereon since dispossessed by the late usurping powers other than the rent payable thereout before the rebellion in that our kingdom. You shall forthwith pass patents granting all the lands and the other lands in the decree to Wolverston. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 64.

Also entry of same. *P.* 1. *S.P. Ireland* 318, *pp.* 73 *and* 74.

Same. ENTRY of the KING to the LORD DEPUTY for SIR ROBERT BYRON, Master of the Ordnance.

Sir Robert informs us by his humble address that he ought to have received £400 according to the tenor of a proclamation issued by the Lords Justices and Council of Ireland in 1641 as a reward for taking prisoners Art Roe McPatrick and Art Moyle McMalowne [McMahon?], of Tanaha, co. Monaghan [Tannagh, co. Tyrone?], "declared traitors and in actual rebellion at that time." Owing to the low condition of our treasury he could not then be paid, nor has he since received payment. You shall pay him this sum from any money which by his procurement be found due to us in Ireland but not in charge in the Exchequer or otherwise part of the ordinry established revenue. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 72-3.

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29 Nov. London. The Earl of Orrery to Viscount Conway and Killulta.

I am very sorry for the continuance of my noble lady's distemper and that the doctors do so little good. I hope God will do what the doctors cannot, and that I shall soon have the happiness to [see] her ladyship here.

Sir George Lane, through no fault of mine, did not send the proxy, but will redeem his error. I shall not fail to [ask] my Lord Lieutenant for a commission for Mr. [?] Conway when we fill up the establishment.

The Duke of York went away with forty-eight men-of-war on Sunday and I am sure the Dutch will not come out. "The King has made peace with Algiers and, as an earnest they mean to keep it, they have put to death all those who broke the last peace. The French have for certain lost 4,000 men in the business of Gigery. . . . The King will not agree with the Dutch till they give some cautionary towns.

Your own Orrery."

P. 1. *Conway Papers.* (*Hol.*). *Damaged by damp. Add. S.P. Ireland* 317, 101.

30 Nov. Whitehall. The King to the Lord Lieutenant and Lord Deputy for William Domvile, Esq.

The offices of Clerk and Keeper of the Hanaper in Ireland are held by George Carleton and John Exham for their lives, and the life of the longer liver of them, by virtue of patents from King Charles I. We are willing to grant the reversion of the office to William, son of Sir William Domvile, Attorney-General in Ireland, and order you to pass patents accordingly. Domvile's tenure to commence immediately the grant to Exham and Carleton expires. *Favourable clauses. P.* ⅔. *S.P. Dom. Signet Office VI.* 62.

Also note of same. *S.P. Ireland* 318, *p.* 75.

Same. Same to the Lord Lieutenant for Lady Sutton.

Dame Ann Sutton has addressed us referring to the services of her late husband, Sir Thomas Lucas, in the cause of King Charles I. and specially to the opportune despatch by her, in her widowhood, of provisions for our forces besieging Drogheda, for which she has never been paid. We desire you to pay to Lady Sutton £1,000 out of the first moneys which come in that are applicable, under the Act of Settlement, to those who have most eminently served us. Patents to be passed for making this grant effectual to her, and her heirs and assigns. *Pp.* 1⅓. *S.P. Dom. Signet Office VI.* 62*d and* 63.

Also note of same. *S.P. Ireland* 318, *p.* 75.

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30 Nov. Whitehall. The KING to the LORD LIEUTENANT for THOMAS HUME or HUMES.

The estate of William Moore, one of those who are outlawed for the late plot to seize Dublin Castle, is in our hands, and a *custodium* thereof was granted to Humes. Upon issue of a commission out of the Court of Exchequer there to discover its value, it is returned at so high a rate that Hume cannot benefit by the grant, and we hear that Moore paid a quit rent for the lands to the Exchequer. You shall pass patents leasing the estate to Humes for thirty-one years at the rent paid by Moore. *P.* ½. *S.P. Dom. Signet Office VI.* 63.

Also note of same. *S.P. Ireland* 318, *p.* 75.

Also draft of same. *Pp.* 1½. *Endd. S.P. Ireland* 317, 102.

DECEMBER, 1664.

7 Dec. NOTE of letter to the Lord Lieutenant and Lord Deputy for Lord Berkeley, of Stratton, to have £4,000 out of the English arrears in Ireland. Dated 7 December. *S.P. Ireland* 318, *p.* 75.

7 Dec. Dublin. MAJOR RAWDON to [VISCOUNT CONWAY and KILLULTA].

Your sister and I hope that this may meet you in London, and that my dear lady and yourself are well enough to take the journey up from Ragley.

Details. The rain has been very excessive this 13 or 14 days, so that I have scarce observed the like in my lifetime; but it has now abated. I have as little news from here as ever I had, for neither is the cathedral bill advanced, nor is a special verdict agreed upon by the defendant's counsel; but we have an order that they must do it by next term. Captain Langford, I, and our counsel have been discussing the matter, but have not yet agreed, and he is very slippery. Our counsel is so well confirmed in our case by Mr. Solicitor's learned and particular resolutions in the matter, that I am not very anxious to come to an agreement. The Primate has promised to get the bill revised so soon as a committee of judges can be had, but it is impossible to get this during term time, and that still lasts, the Court of Exchequer, especially, sitting every day.

Details follow as to leaving of farms on Lord Conway's estate. The fine for the mills is £140, and the rent so considerable that I have refused to assent to a change of tenants there without your authority. "I received a letter from my lieutenant from Coleraine last week that he had intelligence one Smith, a merchant of Glasco, had landed 300 firelocks, and privately conveyed them into the Lagan, and that Mr. Watson, Minister of Ballymony, had informed him that six of them was left in the inn at Ballymoney." He had sent a corporal and some troops for

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them, who had brought them; and they were new, of Dutch workmanship. I acquainted the Lord Deputy herewith and by his direction have written to Lieutenant Conway to be diligent to learn the certainty of the landing of such a quantity of arms and how they are disposed; and, if he can take the merchant, to send him to meet me at Lisnegarvy. If he cannot send the merchant he is to send the innkeeper, and the Lord Deputy, on getting a description of the merchant, will, I think, write into Scotland on the matter. I cannot yet find that any of those persons formerly mentioned did land. I intend to consult Lord Dungannon on the matter on the way home. Lieutenant-Colonel Moyses [Hill] is beginning open war by law and refuses to let any rents be levied at Castlereagh for the debt, and by other ways endeavours to worst his brother and the memory of his father. My wife and children are well and I hope this will find you and "my excellent lady sister" in good health. *Pp.* 1¾. (*Hol.*). *Conway Papers. S.P. Ireland* 317, 103.

7 Dec. Whitehall. WARRANT under the SIGN MANUAL to SIR HINEAGE FINCH, Solicitor-General.

Directing him to insert a clause in the bill now depending for the Settlement of Ireland for erecting an office of Register to the Commissioners for the execution of the Act of Settlement, and for appointing Sir John Percival to fill the place. He shall be given the right to perform his duties therein by Deputy, and be restricted in the taking of fees to which the Lord Lieutenant shall from time to time prescribe. *P.* ½. *Countersigned by* Secretary Bennet. *Endd. S.P. Ireland* 317, 104.

Also entry of same. *P.* ½. *S.P. Ireland* 318, *p.* 76.

Latest date 13-14 Dec. PHILIP TANDY to VISCOUNT CONWAY and KILLULTA.

I have received from my cousin Leathes a large packet, whereof he desired a peculiar care, it being his account. I have conceived it fit that mine should go along with it, and herewith tender it, and am at a clerk's charge to enter it in a book "not being able to write all the varieties I am exercised with from many hands myself." My brother Rawden [*sic*] went Downwards on Friday last and "hath left me divers m^ds [*memoranda?*] in your lordship's affairs."

Mr. Langford has upon a contest got till the beginning of next term for his counsel to consider the special verdict tendered to him. I have my commands to serve him with that order. I am also instructed to wait on the Lord Primate once a week to mind him of the Act for the Cathedral of Connor. Sir John Hoy departed this life yesterday, which, it is thought, will be a great grief to Mrs. Hill, "and the blazing star seen here for three or four nights together is a great weakening of many men's hearts."

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We are most anxious to hear about you and my lady. Captain Roma longs for his arrears, and Mr. Robert Conway for a commission to be a quarter-master, and for some intelligence from your lordship touching these things. "'Tis now near midnight and (forgive me, my Lord) I am weary; but not of being your lordship's most humble servant,

PHILIP TANDY."

P.S.—We have no news of the Lieutenant-Colonel. *Other details. P.* ¾. *(Hol.?) S.P. Ireland* 317, 105. *Covering—*

My account with your Lordship from August 20, 1664, *about which time your Lordship took ship, to December* 14, 1664.

First, in pursuance of your Lordship's method in accounting, I charge myself to have received £16 *of Mr. Leathes in September last, which was to pay Gilhampton in full, Weaver the coachmaker in part and Tenant the sadler's bill. They were accordingly paid thus:—*

To Gilhampton	£6	0	0
To Weaver in part	£5	0	0
To Tenant, the sadler	£5	0	0

In October, Major Rawden appointed me out of his moneys to pay Mr. Atwood £10 *in part and the clothier* £14 10*s. Both wanted money and the latter is paid in full. He being to receive it out of your Lordship's money below, I only mention it to show how your debts have been satisfied. This was done accordingly and Major Rawdon, I believe, is on account satisfied.*

To Atwood in part	£10	0	0
To Graves, the clothier	£14	10	0
	£24	10	0

In accordance with a bill which I received in November, I have further paid out the following sums:—

To Mr. Harris, in full	£48	0	0
To John Atwood in full	£20	0	0
To myself as co-executor to H. Wright	£20	0	0
To myself for Andrew Sturgis, which I have admitted as part of Henry Wright's debt from him	£12	0	0
	£100	0	0

But here I have an unhappy memorandum to offer, for in the pursuit of the receipt of this £100, *as I was receiving it, it being paid in base rosen*[1] *money, I had eleven pieces in quarter-pieces by in a paper, keeping them to be put up with the rest when I had reckoned all; but I was so unhappy as to leave them (they lying at the edge of some papers on a cumbred table) and when I remembered that and*

(1) *i.e.* in coins stamped with a rose.

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looked for them two days after I could not find them. I thus lost £2 12*s.* 3*d. Such misfortunes are for others besides myself, and this I hope your Lordship will consider.*

Lost - - - - - - - - -	£2	12	3

There is still due 10*s. to Andrew Sturgis, with which I do not now trouble your Lordship, as Adam has promised to pay me.*

Thus, to observe your Lordship's methods, "I have beaten my head a little to absolve part of my account." For the other part I shall follow the usual method of setting down what is due to me and next what I have received.

There was due to me when your Lordship took to sea - - - - - - - -	£0	12	6
There was due further, to complete Henry Wright's debt, which upon oath we are to account for - - - - - - - -	£0	15	3
To the bargemen and the wherrymen, the last making a double voyage - - - - -	£1	6	0
1664, *August* 22. *For bringing the beds home to Colonel Laurence* - - - - -	£0	0	8
October 3. *For a packet from Mr. Leathes, wherein one to your Lordship* - - -	£0	0	8
October 13. *For the creation warrant* -	£0	2	6
,, *For the entry of my last letter of attorney* - - - - -	£0	3	6
,, *For a letter from Mr. Leathes on your Lordship's occasions* -	£0	0	4
October 17. *For a pacquet from him, wherein a pacquet to your Lordship* - - -	£0	1	4
October 31. *For another pacquet from him* - - - - - - - - -	£0	1	0
A letter with a bill of exchange - - -	£0	0	8
Licence of absence for 3 *months from November* 12 - - - - - - - -	£1	5	0
For the entry at the Commissaries - -	£0	2	6
November 2. *A pacquet from Mr. Leathes, wherein two to your Lordship* - - -	£0	1	8
For the wine warrant - - - - -	£0	1	0
Paid to Weaver in full for his bill, out of those moneys which I was to receive here - - - - - - - - -	£5	0	0
December 13. *A pacquet from Adam, wherein a large one for your Lordship, coming with this* - - - - - - - -	£0	1	8
To be paid for the house in Castle Street which I daily look to be called on for, £4 1*s.* 4*d., and for the acquittance, I think,* 1*s.* - - - - - - - -	£4	2	4
Total due - - - -	£14	6	11

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Receipts—			
From Mrs. Frant. Half a year's rent to 30 September, 1664 - - - - -	£6	0	0
Creation money then ending, deducting fees - - - - - - - - -	£4	17	0
Total - - -	£10	17	0
In all due - - - - - - -	£14	6	11
Received - - - - - - - -	£10	17	0
Remains - - - - - - - -	£3	9	11

This to be made good to me out of the wine warrants when sold.

Upon this your Lordship may charge, I hope with safety, the allowance for the physician and apothecary.

The apothecary's bill - - - - - - £1 12 6

I expect your commands as to what is to be given to the physician.

Pray consider the £2 12*s.* 3*d. lost. I shall never trouble your Lordship with such a matter again. Your Lordship knows my state and what a poor little,* £30 *a year* [*for*] *two agencies, is to subsist on. I occasionally spend a little money in the transaction of your affairs. Pp.* 3. (*Hol.* ?) *Conway Papers. S.P. Ireland* 317, 105, 1.

20 Dec. Lisburne.

MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

I have been a week here now, and all here are well, but we are very anxious to hear of you and my lady, as we have had no letters for a fortnight. The last I received from your lordship was of 12 November. The oxen at Tunny are in brave case. They still thrive on the grass and have not yet had any hay. Towards March your lordship might let us know what rates such [oxen] bear in England, which will be some guess to us here to know how to put them of [off] in Ireland. I send the copy of the Bishop of Down's leases. The last is for lives and not for years, determinable upon lives as the first. I know not how the alteration came to be made, but Adam says it was his lordship's own draft.

It will, I think, be very hard to effect this cathedral work, "for I have received a letter last post from my Lord Primate, who says he finds this is not an age to build cathedrals, since it is so hard a matter to get one removed; that the judges upon a second consideration and debate upon the bill, nothwithstanding my solicitation (and, I thought, satisfaction given to their former doubts), were of opinion that the doing it by bill was a diminution of the King's prerogative, which they are bound by oath, as well as by allegiance, to preserve; and what that cannot do may be done by a short bill after." This will mean two labours and costs and, I suppose, little help given to your lordship to [*sic*] the charge of either. Lord Massereene, moreover, if the bill passes, is in hope to have something inserted for his benefit, he being the tenant from the Bishop for

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the lands on which the ruinous walls stand. He professes not to be any hindrance to the design of changing the seat because your lordship is named in the matter; but wishes, if he can, to use the occasion to get a longer lease or fee farm in those lands and thereby do himself good and you no harm. He believes your lordship will not disapprove this project. He has written to the Bishop to this purpose, but if we proceed to pass it by the king's letter this design will fail. So now you see the case. I have written to Mr. Tandy to get the bill as amended, write it small, and send it to you; and if you like to have it turned into a letter you may do so by getting any of the Clerks of the Signet to change the enacting words into mandates. But I think upon these considerations your lordship will not be very sedulous to undertake the trouble till further consideration. The churchyard wall will, in the meantime, be proceeded with and thereby the place [?] fitted to erect such a fabric when it shall be further provided for.

As to the lawsuit, I think the defendant will willingly spare further expense and trouble, but he has not been with me here since I came home as he promised at the last conference Mr. Solicitor and his counsel, Mr. Osburne, had at their meeting the night before I left Dublin. I came here by Rosetrevor [Rostrevor] to consult with Lord Dungannon and find out what he had learned about the landing of Blood, Carr, and MacCormack. I verily believe the first two did not come and have some doubt it was one Read, a Scot's minister, formerly at Ballywalter, that was in that disguise and taken for McCormack, for so my intelligence says: but neither this Read, Bruce or Hunter can be taken, though they certainly are about the Ards. I do not find by my lieutenant's last letter that his intelligence of 300 firelocks being brought over by a Scotch merchant (one Smith, of Glasco) can be made out: but he has apprehended Smith and is sending him here. I shall examine him as best I can, and if anything material is to be made out I shall inform the Lord Deputy and your lordship. Trade is very slack here and hardly any money is circulating. We have good oats for 2*s*. a Bristol barrell, and a beef—a fat cow—in the market for 20*s*. or 25*s*. the best. Since I came I have been apprehending thieves and have "gotten one (a notorious one) taken, that brought a prey rather than a stealth of seven English cows and a bull, and sold them in Killulta to butchers, where the owner (an Englishman about Loughgall)" recovered them all but one, and the thief (one MacDonald) is apprehended. I have been advised by lawyers at Dublin to seal a lease of ejectment in the name of your lordship, the Bishop and Sir Thomas Worsop upon Castlereagh lands, which is done, for the elder brother opposes the lease, as I writ to your lordship. *Other details.* All are well at Hillsb[orough]. My sister Hill is thinking to live with her sister Hoy at Dublin. The latter is a widow also, Sir John Hoy being lately dead; and she does not think it for her condition to live as she doth at Hillsborough. *Pp.* 2. (*Hol.*). *Conway Papers. Add. S.P. Ireland* 317, 106.

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TABLE showing the RETURNS of the EXPORTED and IMPORTED provinces in Ireland, with relative importance of each

Name.	Exported Custom. Rank.	Amount.	Percentage. Ports.	Prov'ces.	Imported Custom. Rank.	Amount.	Percentage. Ports.	Prov'ces.
Leinster—								
Dundalk	XII.	389	1½		XV.	113	½	
Drogheda	V.	2037	8		IX.	792	3	
Dublin	I.	8149	32	45	I.	12878	49	54
Wexford	XIII.	358	1½		XII.	225	1	
Ross	XI.	603	2		XIII.	180	½	
Munster—								
Waterford	IV.	2196	8½		IV.	1631	6	
Dungarvan	XVIII.	132	½		XXI.	33		
Youghal	III.	2211	8½		X.	618	7⅓	
Cork	II.	2428	10		II.	2412	9	
Kinsale	XIV.	352	1½	34½	V.	1611	6	30
Baltimore	XVI.	145	½		XI.	505	2	
Dingle	XXI.	1			XX.	43		
Limerick	VII.	1283	5		VI.	1115	7	
Connaught—								
Galway	VI.	1997	8	9	III.	1851	7	7½
Sligo	XV.	260	1		XVI.	98	½	
Ulster—								
Killybegs	XIX.	117	½		XIX.	62		
Londonderry	X.	669	2½		VII.	992	4	
Coleraine	XVII.	138	½	11	XVII.	82		8½
Carrickfergus	IX.	890	3		VIII.	875	3⅓	
Donaghadee	VIII.	1048	4		XVIII.	70		
Strangford	XX.	98			XIV.	139	1½	
Totals		25511	100	100		26325	100	100

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CUSTOMS and IMPORTED EXCISE from the several ports and port :—

Imported Excise.				Totals.			
Rank.	Amount.	Percentage. Ports.	Prov'ces.	Rank.	Amount.	Percentage. Ports.	Prov'ces.
XVIII.	108	$\frac{1}{3}$		XV.	611	1	
VIII.	1120	4		VI.	3949	5	
I.	11585	40	$44\frac{2}{3}$	I.	32562	40	48
XII.	321	1		XIII.	904	1	
XVI.	119	$\frac{1}{3}$		XIV.	902	1	
IV.	2217	$7\frac{2}{3}$		IV.	6044	$7\frac{1}{2}$	
XXI.	55			XX.	220		
IX.	934	$3\frac{1}{3}$		VIII.	3763	$4\frac{1}{2}$	
II.	2974	$10\frac{1}{3}$	36	II.	7813	10	$33\frac{1}{3}$
V.	1857	$6\frac{1}{2}$		VII.	3820	$4\frac{1}{2}$	
XI.	549	2		XI.	1209	$1\frac{1}{2}$	
XIX.	79			XXI.	123		
VI.	1580	$5\frac{1}{2}$		V.	3978	5	
III.	2760	$9\frac{1}{2}$		III.	6608	8	$8\frac{1}{2}$
XIII.	155	$\frac{1}{2}$		XVI.	513	$\frac{1}{2}$	
XVIII.	107	$\frac{1}{3}$		XIX.	286	$\frac{1}{3}$	
VII.	1201	4		IX.	2862	$3\frac{1}{2}$	
XIV.	141	$\frac{1}{2}$	$8\frac{1}{3}$	XVIII.	361	$\frac{1}{2}$	$9\frac{1}{3}$
X.	826	3		X.	2591	$1\frac{1}{2}$	
XX.	61			XII.	1179	$1\frac{1}{2}$	
XV.	131	$\frac{1}{2}$		XVII.	368	$\frac{1}{2}$	
	28830	100	100		80666	100	100

Two copies. Each p. 1. *Endd. S.P. Ireland* 317, 107 and 108.

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26 Dec. Whitehall. ENTRY of WARRANT to the SOLICITOR-GENERAL.

By an Act lately passed in Ireland entitled 'An Act for Settling the Excise,' &c.,[1] certain duties and impositions of excise upon beer, ale, *aqua vitæ*, strong waters, and other exciseable liquors, amongst other things, are settled upon us. By another Act entitled "An Act for the Improvement of Her Majesty's Revenue," &c.,[2] twenty shillings for every licence to be renewed yearly was also settled upon us. "Our will, &c., containing our demise," to Sir Peter Harvey, of Dublin, kt., and Alexander Bence, of London, of the several premises settled upon us by the said Act of Parliament with a clause that the said excise shall be managed by such Commissioners as the Lord Lieuteuant, &c., in Council shall, upon the farmer's petition, appoint.

Clause as to length of term and rent follows similar to those in the Entry of Warrant of 12 Nov., 1664, *q.v.*, *above*, *p.* 448. The entry then *continues*—

The demise shall constitute them and their deputies collectors of the duties for granting of wine licences, and a covenant on our part not to pardon any duties and impositions hereby demised: and that all fines and forfeitures be divided into four parts—one to be paid into the Receipt of the Exchequer, two others to be applied to the informer, and one-fourth to be retained by the farmers. In case of rebellion, invasion or infection there, we are either to submit to a certain defalcation or accept a surrender of the farm. The rent shall rise or fail with any increase or decrease of the Excise made by Act of Parliament. Right of re-entry to the Crown if the rent be ninety days in arrears. Other clauses as to building of offices and exemption from public service as in the grant of 12 November, 1664, above. *Pp.* 1½. *S.P. Dom. Entry Book XVI. pp.* 302-3.

General date 30 Dec. DOCUMENTS RELATING TO THE CASE OF MARY WIFE OF JOHN COWPER, COUPER OR COOPER, OF THE CO. CLARE.

Petition to the King of Mary Cowper, showing that:—

Petitioner was falsely accused of being guilty of the murder of Thomas Barker, of co. Clare, at the beginning of the rebellion. She is innocent of this murder. Barker's relatives, for the purpose of getting money from her, "still vex and trouble your Majesty's petitioner before the judges of assize in Munster." She prays for the King's pardon. *P.* ½. *Endd. S.P. Ireland* 317, 109.

Same of Same, showing that:—

In 1641, petitioner was in a house where an Irishman was murdered. As petitioner, being Irish, had married an Englishman

(1) 14 and 15 Car. II. Cap. 8.
(2) *Ibid.* Cap. 18.

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and was loyal to the English, she was persecuted by some of the Irish, who were themselves accessory to Barker's death, and petitioner and others thereupon entered into several recognizances for her appearance to answer the same fact.

The King, being informed of the truth herein by Colonel Daniel O'Brien and others, granted the petitioner a pardon. But one Daniel O'Sullivan Beare being included in the said pardon, it was much delayed; so that the day for the petitioner's appearance was past before the sealing of it. As petitioner did not appear, her recognizances were for want thereof forfeited.

Under the circumstances petitioner prays for an order from the King to the proper officers in Ireland to vacate her recognizances, and those entered into by others on her behalf. *P.* ½. *Endd. S.P. Ireland* 317, 110.

The King to the Lord Lieutenant for Mary Cooper, of Lemneagh [Lemneh], co. Clare.

Mary Cooper was indicted of some capital offences laid to her charge, and John Cooper, Esq., her husband, entered into certain recognizances in September, 1661, for her appearance at the next Clare Assizes to answer these offences. These are estreated to us by her non-appearance. We are willing and desire that they be discharged, and that all issues and forfeitures by reason thereof be remitted. You shall, if necessary grant a pardon under the Great Seal, with all the clauses usual in such cases, to John Cooper and the rest of the said cognizors, of all forfeitures which they may have incurred by reason of the said recognizances. *P.* ½. Dated 31 December, Whitehall. *S.P. Dom. Signet Office VI. pp.* 64 *and* 64*d.*

Also entry of same. *P.* 1. *S.P. Ireland* 318, *pp.* 77-8.

This concludes the documents relating to this case.

30 [Dec.] Entry of the King to [the Lord Deputy].

The castle and fort of Charlemont is so conveniently seated and fortified that it might, with advantage, belong to us and our heirs. We approve the agreement which you have made with Lord Caulfield for its purchase for £3,000, and order you to pay him that sum when the conveyance is completed. *P* 1. *S.P. Ireland* 318, *p.* 14.

31 Dec. Lisburne. Major George Rawdon to Viscount Conway and Killultagh.

The wind is still so cross that we can *[hear noth]ing out of England. Eight packets are now due, and since 12 November I have no news of your or my dear lady sister's condition. Your sister here is much troubled with anticipation, and dreams of your wife's ill-health, which made her so ill that she was not able to "be below" with us for several days during this Christmas to help to entertain

* At the places marked with an asterisk this document has perished owing to damp. The words enclosed in brackets represent an effort to fill up the gaps.

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the neighbours. I heard on Thursday from my brother Francis, who had arrived after a rough voyage and long detention in the Isle of Man. I at once sent off two led horses to Dublin to bring him and his man here. I hear Captain Langford has slipped over to England again. If this be so you should watch him that he steal °[no march on us]. He is so cunning that he has doubtless some plot °[to make] show of a Treaty and come not to the point if he might °[?] I believe. Captain Glylen [?] hath written to me desiring I would r°[ecommen]d his case to your protection. His proprietor, James Talbot, received satisfaction in Connaught for Ballyconnell and has sold part of his Connaught lands, and so, he hopes, will not be restored if that be objected.

There is no extraordinary news. Our two spies have come here for a little rest, which I do not deny them, in hope they may be serviceable one time or another. John MacConnell accuseth the other to have discovered [*i.e.* betrayed] our attempt to search for the °[ ]tion and that else it would have been found. The pop°[ish party in] Ulster have a meeting next week in the County Armagh and p°[ropose, as they hav]e not licence, to subscribe an engagement to °[ ] notwithstanding any dispensation, &c., from the pope°. [. I] advised Sir Mathew Appleyard unless they acquaint him° [with the] licence [for the]° meeting, since it is within his government, to te[ ] of them. °[Cor]ne is so cheap that Isabell Johnson persists in [her] desire to put [up the] mill if your lordship consent. William Close as I writ you will I [think] be as good a tenant. Mr. O'Hara hath taken Den. Magee's [house] to live in for the convenience of breeding his children at [the school] there.

Before I gave consent I sent to the Bishop of Down to [know his] mind about it, and his lordship freely quit his treaty—which he was offering to make several times, and viewed the house, but never came to any point, He is at present not well of a swelling in the neck. I bought him a coach at Dublin which [is come] and he hath four horses and will have a postilion. [Hart]°nell and his lady and my cousin Rogers be here on Tuesday.° [They are w]ell and stay I believe till after Twelfth day. The Dean says he hath taken leave now of Carrickfergus and will stay with us. I have been so troubled with complaints and debts Mr. Evans the minister hath contracted from all the tenants that now I think the Bishop will remove him; but I know not of any other to supply his room yet. Mr. Dowdall is removed and preferred of late to Magherehoghill [Ahoghill ?]. All our children are well, God be blessed, and Arthur is at home, "a notable prating boy" who often asks when my Lord and Lady will return.

P.S.—Details. Pp. 1½. (*Hol.*). *Conway Papers. Add. S.P. Ireland* 317, 111.

31 Dec. Whitehall. WARRANT UNDER the SIGN MANUAL to the SOLICITOR-GENERAL.

Directing him to insert in the bill now preparing for the settlement of Ireland provisoes in favour of Henry Coventry, William Legg or Legge, and Morogh, Earl of Inchiquin, of the terms affixed to this warrant. *P.* ½. *Countersigned, by* Bennet *and with seal. Ibid.* 112. *Enclosing—*

1664.

Draft proviso.

Be it further enacted:—That Roger, Earl of Orrery, shall be Receiver of all the moneys which by this or the former Act shall grow due to the King in respect of the meane profits of those lands which have been set out and received in satisfaction of any arrears for service in England, commonly called "English arrears," and for and in respect of the meane profits of those lands which have been set out to any person or persons in satisfaction of any adventures upon the Doubling Ordinances, and in respect of sums due to the King which persons who have been transplanted to Connaught and, having since been restored to their former estates, did receive or might have received upon sale of the lands in Connaught. Out of the first moneys received under the heads of the Doubling Ordnance or Connaught money, he shall pay to Henry Coventry, groom of the King's bedchamber, £ , and to Colonel William Legg, £ , in compensation of their interests in fractions of acres, pounds, shillings and pence, which are under this Act of Settlement, reserved to the King; and to the Earl of Inchiquin, £8,000, as a mark of the King's gratitude. Pp. 1½. Add. S.P. Ireland 317, 112, 1.

Also entry of warrant and of the proviso. *Pp.* 1½. *S.P. Dom. Entry Books XVI. pp.* 304-5.

31 Dec. ENTRY of WARRANT [from the KING] to the SOLICITOR-GENERAL.

Directing him to insert in the bill he is now preparing for the Settlement of Ireland, a proviso in favour of Margery Symmes, relict of Major John Symmes, deceased, according to the tenor of that affixed to these presents.

The proviso.

Whereas Margery Symmes, the relict of Major John Symmes, who was put to death by the late usurper for his loyalty to the King, had her residence in England and was quite ignorant of the satisfaction intended to commissioned officers who served in the Royal forces before 6 June, 1649, and of the appointment of a day before which they must state their arrears, and has not stated her husband's arrears, and is consequently, with four of her children by the late Major, in great want;

May it therefore please your Majesty that it be enacted, and be it enacted, &c., that she be allowed to put in her claim and be treated as if she had put it in within the prescribed time. *P.* 1. *S.P. Dom. Entry Books XVI. pp.* 305-6.

ADDENDA, 1660-1664.

1660.

General date Sept. DOCUMENTS RELATING TO THE CASE OF ROBERT MOSSOM, D.D.

Copy of petition of Mossom to the King, showing that:—

Petitioner intends to serve in the church in Ireland. His preferments there are uncertain and impaired in their value.

He prays for the Precentorship of St. Patrick's, and that it be passed to him by patent here before he goes to Ireland. *P.* ½. *S.P. Ireland* 317, 113.

Same of Mossom, who is nominated to be Dean of Christchurch in Dublin, George Beaumont, D.D., nominated to the Deanery of Derry, and Ralph Hollingworth, B.D., nominated to the Deanery of Tuam, showing that:—

The Archbishops and Bishops nominated for Ireland have obtained from the King Royal letters granting them the revenues of their sees from 6 August last. The petitioners have disposed themselves, their affairs and families to go to Ireland, but they are unable, by reason of their great charge in transportation, to subsist for the winter following, without some support.

They pray that, before the approaching Michaelmas, they may have letters to the Chief Governors of Ireland, that, upon the confirming of their promotions to them, they may collect and receive (with a prohibition to all others) the rents and mean profits of their respective dignities. *P.* ½. *Ibid.* 114.

This concludes the documents relating to this case.

About Oct. 9.[1] NOTE of Royal order giving Robert Dee, Mayor of Dublin, a foot company in the standing army of Ireland. The Duke of Albemarle to give present order therein, and to deliver the order to Sir Maurice Eustace, to be sent to him. *P.* ½. *Endd. in* Nicholas' *hand:* "Reference on the petition of the Mayor of Dublin." *S.P. Ireland* 317, 115.

20 Oct. DRAFT of SECRETARY NICHOLAS to the LORDS COMMISSIONERS for the GOVERNMENT of IRELAND.

I must thank you for your zeal and care in preserving the happy estate of the King's affairs. Of such zeal and care your letter of the 4th [2] is a pregnant instance. I forthwith acquainted the King

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 48.
(2) *See Ibid.*, *p.* 41-43.

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with the contents of your letter, and he was pleased to express his very good liking of your diligence and good affection for his service. Your letters were read in Council and I was directed to send you the enclosed answer. *P.* ½. *Endd.*: To the Lords Commissioners, 20 October. *S.P. Ireland* 317, 116.

Before Nov.[1] PETITION to the KING of HUGH, VISCOUNT MONTGOMERY, showing that:—

Petitioner served the King under the Marquis of Ormond by the King's commission dated at the Hague, 14 May, 1649, as commander of all the forces in Ulster. For his services there he was excepted by the usurpers from pardon for life and estate, and since 1650 has been constantly "banished, imprisoned or confined."

He prays for a troop in Ireland, and for renewal of his former commission or for such other command as the King thinks fit. *P.* ½. *Signed. Endd. in* Williamson's *hand:* "Fiat for the horse. Fit to be presently Master of the Ordnance[2] . . . ." [*illegible*]. *Ibid.* 117.

[20 Nov.] DRAFT of the KING to the LORDS JUSTICES for the CHURCH of IRELAND.

This is a draft of the grant calendared in *Calendar of S.P. Ireland*, 1660-62, *p.*91, *which see*, and practically identical therewith. The clause reserving ancient rents is not in this draft. *P.* ½. *Undated, with corrections in* Lord Chancellor Eustace's *hand. Endd. Ibid.* 118.

About same. SAME to SAME.

Similar to the grant in *Calendar of S.P. Ireland*, 1660-62, *p.* 91, *par.* 1, but containing clauses for the protection of adventurers and soldiers who may be in possession, and against passing any appropriate rectory, appropriation or tithe set apart by Charles I. or Charles II., or otherwise, and charged with the furnishing of port corn or other provision or supply for the Lord Deputy or other Chief Governors of Ireland. Clauses for execution. *Pp.* 1½. *Endd. in* Sir George Lane's *hand*: "Draft of a letter concerning the clergy sent me by the Lord Primate of Ireland." *Ibid.* 119.

Same. SAME to SAME concerning IMPROPRIATIONS.

In view of the "naked and unsettled" condition of the Church in Ireland, and out of a pious care to provide it with a fit and suitable maintenance in the future in parts were such maintenance

(1) When Lord Montgomery was made Governor of five counties in Ireland. *See Calendar of S.P. Ireland*, 1660-62, *p.* 78.

(2) Lord Montgomery became Master of the Ordnance before 19 December, 1660.

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is most wanting, we have determined to give to it all such impropriations as at the present settlement thereof shall be found to belong to us and be in our disposal, and have given orders for provisions of this nature to be made in the Act of Settlement shortly to be passed. That we may not be prevented in this good purpose, we direct you to pass no grant of any such impropriation to any person upon pretence or by virtue of any warrant or order from us for the same. *P.* 1. *Endd. S.P. Ireland* 317, 120.

[30 Nov.] DRAFT of the KING [to the LORDS JUSTICES] for HENRY ROCHFORD, Esq.

Similar to that calendared in *Calendar of S.P. Ireland*, 1660-62, *at p.* 107, except that the mesne profits are not granted. *P.* ½. *Endd. Ibid.* 121.

"PETISTION" to the KING of CAPTAIN PETER CHEVERS, showing that:—

"Petistioner" has served and adhered to the Royal cause since his capacity to bear arms, and defended the King's royal prerogatives in "Eÿrland" where he lost his whole estate. Since his "extirpastion" therefrom he served in the King's maritime affairs in France and Biscay until, by order from His Royal Highness bearing date the 4th of June last [1660?] at Whitehall, wherein all hostility against the King's subjects was forbidden, he retired.

The premises considered, the petitioner asks for an order for occupation of two small houses in Wexford and two in the liberties thereof left him by his father, with a park of eight acres and 180 acres in Synnott's Land and 120 acres in Tymun [Timon].

From all these he is this ten years dispossessed, and has endured much misery and losses both in person and estate. His only fault, as the enclosed certificate shows, is his loyalty. *P.* 1. *Curiously spelt, as though by a foreigner. Endd. Ibid.* 122. *Enclosing—*

Certificate of Thomas Holder.

Certifying the truth of the facts set out above. P. ½. *Signed. Dated* 20 *August at Sanss*[an] [*San Sebastian*].[1] *Ibid.* 122, 1.

About Nov.[2] DRAFT of the KING to the LORDS JUSTICES for SIR FRANCIS BUTLER or BOTELER.

Directing that letters patents be passed granting Sir Francis Butler's petition [*for which see Calendar of S.P. Ireland*, 1660-62, *p.* 93] in the sense of Lord Chancellor Eustace's report and recommendations thereon [*see ibid.*]. The mortgage shall pass to Butler if it was one for years only; otherwise not. *P.* 1. *Endd. Ibid.* 123.

(1) *See Calendar of S.P. Dom.* for August 1660, *p.* 241.
(2) *See* the petitions respectively referred to in brackets in the text.

1660.

About Nov. DRAFT of the KING to the LORDS JUSTICES for THOMAS FITZGERALD, of Timocho [Timahoe], co. Kildare.

Directing, &c., *as foregoing*, in accordance with Lord Chancellor Eustace's report on Fitzgerald's petition [*see Calendar of S.P. Ireland*, 1660-62, *pp.* 105-106]. *P.* ¼. *S.P. Ireland* 317, 124.

About same. SAME for RICHARD, LORD LAMBERT, EARL OF CAVAN, and for his brother, OLIVER LAMBERT.

Makes recommendations in accordance with those of Lord Chancellor Eustace on the Earl's petition [*see Calendar of S.P. Ireland*, 1661-62, *p.* 77, *par.* 1]. *P.* ½. *Endd. Ibid.* 125.

Same. SAME for CAPTAIN BARTLETT.

Similar to that calendared in *Calendar of S.P. Ireland*, 1660-62, *at p.* 108. *P.* ½. *Endd. Ibid.* 126.

Same.[1] SAME for EDMUND MEARA, Ph. D.

The Marchioness of Clanricarde certifies that Meara did not mix himself up in the late rebellion in Ireland, but was domestic physician to her husband. The Lord Chancellor certifies nothing against Meara. You shall restore him to such lands of his as he can make good title to and as are not in the hands of adventurers and soldiers, governing yourself, as to the rest, by the rules of the Declaration. *P.* ¾. *Endd. Ibid.* 127.

Same.[2] SAME for GODWIN SWIFT.

Sir Maurice Eustace reports that the petitioner Swift is worthy of some mark of our favour. You shall pass patents conferring upon him the office of phillazer in the Court of Common Pleas in Ireland, now void by the death of the late phillazer. *Favourable clauses. P.* ½. *Endd. Ibid.* 128.

[Before Dec.][3] PETITION of GEORGE CARR to the KING, showing that:—

Petitioner was employed as secretary to the late Earl of Strafford and the Marquis of Ormond during their governments of Ireland under Charles I. He then had a patent granting to him and his brother-in-law, Adam Meredyth (in trust for the petitioner and since deceased) the office of Clerk of the Council in the Presidential Court of Munster during good behaviour.

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 85.
(2) *See Ibid., p.* 83.
(3) *See Ibid., p.* 150.

1660.

The joint patentee being dead, petitioner asks, on his surrender of his old patent, for a regrant of his office to himself and his son William, in as ample a manner as that in which the old patent was passed. *P.* ½. (*Hol.*). *S.P. Ireland* 317, 129.

Before Dec.[1] COPY of PETITION to the KING for SIR JAMES WARE, KT., showing that:—

He was appointed Auditor-General of Ireland for life by letters patents under the Great Seal of Ireland, dated 29 March, 1637. He executed the office with care.

In Oliver Cromwell's time the place of Auditor-General was granted to Robert Gorges and Edward Roberts, who have ever since enjoyed the benefit thereof. As the King is now restored, petitioner prays for his letters to the Lord Lieutenant, &c., for re-establishing him in the said office. *P.* ½. *Ibid.* 130.

COPY of the PETITION of JOHN LESLIE or LESLEY, Bishop of Raphoe.

For this *see Calendar of S.P. Ireland*, 1660-62, *p.* 118. *P.* ½. *Ibid.* 131.

Same[?] DRAFT of the KING to the LORDS JUSTICES for VISCOUNT GALMOY.

We have resolved to restore Viscount Galmoy to his lands, and are informed that it is just that the several tenants and farmers who have any of his rents in their hands should pay them to him. We require them on sight hereof to pay such rents over accordingly. *P.* ½. *Endd. Ibid.* 132.

Same[?] COPY of PETITION of SIR THOMAS ARMSTRONG to the KING, showing that:—

The King's Irish subjects suffer much from the great want of charity, and trade is decreased there for want of small coins for exchange.

Petitioner prays for a Royal letter to the Lord Deputy directing that he may have letters patents under the Great Seal of Ireland for making farthings there under such conditions, &c. as the King's counsel in Ireland shall advise. *Two copies; each p.* ½; *one endd. Ibid.* 133 *and* 134.

About same[?] SAME, showing that:—

Petitioner's request to have the right of coining farthings for use in Ireland was referred to the Marquis of Ormond; and the Marquis reported that such coins were useful in Ireland where the people are poor and the inland trade low. The King then directed to

[1] *See Calendar of S.P. Ireland*, 1660-62, *pp.* 75 *and* 151.

1660.

Lord Roberts letters under the Royal hand in petitioner's favour; but Lord Roberts cannot consider Ireland till he goes over there. Petitioner therefore is at a stand, and a work of usefulness for Ireland is like to be much delayed or perish, unless the King directs the Attorney or Solicitor-General for England prepare a bill for making the petitioner a grant of the right to make and stamp farthings in Ireland for 21 years. *P.* ½. *S.P. Ireland* 317, 135.

About 13 Dec. DRAFT of the KING to the LORDS JUSTICES for TADY, son of JOHN BYRN.

If the allegations in Byrn's petition[1] prove true he shall be granted the post of pursuivant to the Exchequer in Ireland. *P.* ½. *Endd. Ibid.* 136.

About Dec.[2] NOTES [apparently of proceedings of the Privy Council of England].

Instructions for the Lords Justices and Council.
Nominating the Council.
Mr. Gernon to have £100 a year for life out of the fines and casual revenues of the Presidency Court of Munster, for which a letter from the King to the President
Mr. William Halsey to be first Justice of Munster. Thomas Nayler, of Gray's Inn, to be second Justice. *P.* ½. *Ibid.* 137.

About same. DRAFT of the KING to the LORDS JUSTICES and COUNCIL for THOMAS GIFFORD.

Upon considering Gifford's petition, Sir Maurice Eustace, Lord Chancellor of Ireland, has informed us of his loyalty and of the sufferings which his father Sir John Gifford, deceased, underwent in the Royal cause. Gifford has petitioned[3] us asking that we will remit such quit-rents as belong to the Crown from his estate and the arrears thereof, to him and his heirs. We refer the matter to you to give him such relief as you may think reasonable. *P.* ½. *Endd. Ibid.* 138.

31 Dec.[4] DRAFT of portion of ROYAL WARRANT for the LORD CHANCELLOR EUSTACE and the EARLS OF ORRERY and MOUNTRATH.

Directing [the Attorney-General for Ireland?] to issue letters patents under the Great Seal for appointing them Lords Justices of Ireland and giving them jointly full power and authority to govern Ireland, with all the usual authorities, jurisdictions, &c. *P.* 1. *A fragment. Ibid.* 139.

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 135.
(2) *See Ibid., p.* 139.
(3) *See Ibid., p* 144.
(4) *Dict. Nat. Biog. s.v.* Coote, Earl of Mountrath.

1660.

About Dec. COPY of PETITION to the KING of MAURICE EUSTACE, of Lincoln's Inn, showing that:—

The wardship of the body and lands of Robert Harpole [*sic*] of Shrewell, in the co. Carlow, belongs to the King.

Petitioner's father and his family have suffered much for their faithfulness to the Royal cause, insomuch that he is not able to subsist in Lincoln's Inn unless relieved by the King.

He prays for a grant of the wardship.[1] *P.* ½. *S.P. Ireland* 317, 140.

Same.[2] REPORT of LORDS JUSTICES ORRERY and EUSTACE on the case of CAPTAIN ROBERT FITZGERALD.

We have considered Fitzgerald and Worsley's petition and find that Benjamin Worsley had a lease and possession of the lands therein mentioned given to him for the term of 21 years, 18 whereof are yet unexpired. This lease was given him for great arrears for services as Surveyor-General of Ireland, and Fitzgerald has purchased Worsley's rights at a high price. We think the King may renew the lease for the 18 years and for the three additional years asked for at the reserved rent of £34 a year besides the rent to the proprietor of the said lands, the forfeiture to your Majesty (as is above set forth) being but of a lease for about 21 years to come.

The petitioner is entitled to this by his loyal service. He seized the murderers Jones, Corbett and Tomlinson. As he gave a high price for the lands, he should be fairly reprised in case he be dispossessed of all or any of the lands in question. *P.* ¾. *Signed. Ibid.* 141.

Dec. DRAFT of the KING to the LORDS JUSTICES for JAMES MORPHY, M.A.

We have conferred to the Rectory and Vicarage of Athenry on Morphy, with all the tithes small and great; and wish that he be immediately invested in the same. In consideration of his expense and attendance in the matter, you shall enable him to receive all such tithes or other moneys as have been received thence by any treasurers or other officers since 1 July last past. *P.* ½. *Dated* — December, "in the twelfth year of our reign." *Endd. Ibid.* 142.

About Dec.[3] COPY of PETITION of the MARQUIS OF ORMOND to the KING, showing that:—

In 1640, King Charles I. granted petitioner the wardship of the body and lands of Sir Valentine Brown, Bt. Sir Valentine was then

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(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 140.
(2) *See Ibid.*, *p.* 114.
(3) *See Ibid.*, *p.* 198.

1660.

but two years old and the lands held by him were proved to be held by knight's service *in capite*. Petitioner was consequently possessed of all the infants lands in Cork and Kerry till dispossessed thereof by the usurped power.

Since the interest, possession and profit of the estate belong to the petitioner and should continue till livery be sued and the ward's marriage satisfied, and as the King and Parliament intended that petitioner should be immediately restored to all his interests, possessions, and as the ward's interest has never been forfeited;

He prays that he may be settled quietly in the estate as in the rest of his property, with due care and order of reprisal of the soldiers and adventurers as ordered in his concernments by the King's Act and Declaration. *P.* ½. *Endd. S.P. Ireland* 317, 143.

About Dec. SAME of ROBERT PLUNKETT, showing that:—

Petitioner never bore arms or acted anything prejudical to the King's interest, but lived on his estate much harrassed by many forces until at last he was expulsed by the late usurper. He submitted to the peace of 1648[-9] and adhered thereto. Prays for restoration. *P.* ½. *Ibid.* 144.

About end of 1660. PETITION of EDWARD, VISCOUNT CONWAY [and KILLULTAGH] to the KING, showing that:—

Petitioner commanded a troop of horse in Ireland before and since the rebellion, and his father was marshal of the army in Ireland, paying £2,000 for the place to the Lord Valentia at the desire of the late Earl of Strafford.

The Exchequer of Ireland was then so exhausted by the raising of troops "for suppressing the troubles of Scotland" that petitioner's father neither received any pay as marshal nor any satisfaction for above £1,000, which he lent upon the Council's letters towards the pay of that army a little before their disbanding.

Petitioner has been forced since his father's death not only to pay that £2,000 which his said father took up at interest to pay Lord Valentia, but also a great composition for his estate, which was sequestered for divers years by the Parliament for his loyalty to the Royal cause. He prays for the marshalship of the Irish army and the command of a troop of horse and the other privileges attaching to that office in Ireland. He thinks he will be as fit to discharge that office as any other of your Majesty's subjects. *P.* 1. *Conway Papers. Signed. Endd.:* "Disposed of already."[1] *Ibid.* 145.

NOTE of ADDRESS for IRISH LETTERS.

They are to be addressed "to our right trusty and right entirely beloved Cousin and Councillor" the Duke of Albemarle, Lord Lieutenant, and to "our right trusty and well beloved councillor"

[1] Sir Henry Tichborne was made marshal of the army of Ireland for life in July, 1660; *see Calendar of S.P. Ireland*, 1660-62, *p.* 19.

1660.

Lord Roberts, as Lord Deputy, and to "any our Lieutenant, Deputy, Justice, Justices or other Chief Governor," &c., and "to our Chancellor, Keeper or Commissioners for the custody of the Great Seal of that our kingdom" and "to all other officers and ministers there whom it may or shall concern and to every of them." *P.* ½. *Endd. S.P. Ireland* 317, 146.

1661.

1661.

About beginning of 1661.

List of the Field Officers of Foot and Horse in His Majesty's Standing Army in Ireland.

Foot.

Sir Robert Byron's regiment:—

Sir Robert Byron, colonel and captain; Sir John Stephens, lieutenant-colonel and same; Colonel Ralph Wilson, colonel and same.

The same three offices are held respectively in Lord Ossery's regiment by Thomas Coot, Colonel Robert Jones and Benjamin Woodward; in Sir John Clotworthy's regiment by Sir John himself, Colonel Brett and Major Popherd; in Colonel Chidley Coote's by Colonel Coote himself, Francis Goare and Lieutenant-Colonel William Moore; in Colonel John Coale's regiment by Colonel Coale himself, John Read and Colonel John Fortescue; and in the Earl of Berrimore's [Barrymore's] by the Earl himself, Nicholas Purdon and Francis Fowkes.

Horse.

Lord General's regiment:—

The Lord General,[1] colonel and captain; Richard, Lord Coote, major and same.

The same posts are held respectively in the Marquis[2] of Ormond's troop by himself and Sir Theophilus Jones; in the Earl of Orrery's by himself and Colonel Daniel Redman; and in the Earl of Mountrath's by himself and Sir Oliver St. George. *P.* 1 (*large*). *Endd. Ibid.* 147.

General date About Jan [3]

Documents relating to the Case of Charles Vaughan, D.D.

Copy of Petition to the King of Vaughan, showing that:—

Petitioner with his two brothers, Sir William and Captain James Vaughan, served the King faithfully in the wars of England and Ireland. Sir William Vaughan was killed in the siege of Dublin when fighting under the Duke [*sic*] of Ormond.

(1) George Monke, Duke of Albemarle.
(2) Became Duke of Ormond on 30 March, 1661.
(3) *See Calendar of S.P. Ireland*, 1660-62, *Index*, *s.v.* Vaughan.

1661.

Petitioner has been over thirty years in Ireland and endured the miseries of war and insolencies of the usurpers by banishment, imprisonment and sequestration. He had to sell his estate in order to procure his release from prison, where he lay languishing for his loyalty and contracted several debts. Coming last year into Ireland, after the several ecclesiastical preferments were disposed of, during his attendance there fell vacant the "chantership" of St. Patrick's in Dublin, which the King was pleased to confer upon him by letters patents.

But Dr. Mossom, to whom the King had granted the Deanery of Christchurch (worth £800 a year), though knowing of the King's grant, yet took advantage of petitioner's absence in his journey for Ireland (there to pass his patent), procured an after-grant of that chantership from the King and passed a patent of it in this kingdom, by virtue of which he now enjoys the profits. Petitioner is thereby deprived of the King's former grant and prevented from paying the debts which, by reason of his constant suffering, he has contracted.

He prays for confirmation of his grant and that Dr. Mossom may be directed to surrender the patent surreptitiously obtained, or appear before the King within a month after summons to answer the petitioner's complaints. *P.* ¾. *Endd. S.P. Ireland* 317, 148.

Copy of further Petition of Same to Same.

Sets out the facts in foregoing as to the services of petitioner and his family in the Royal cause.

As petitioner was absent when the ecclesiastical preferments in Ireland were disposed of, he is omitted therefrom. There are certain small vacant ecclesiastical livings in Munster and Connaught, where tithes and glebes are set to several farmers for 1660 only by Commissioners appointed for that purpose, and bonds taken in the King's name for payment of the same sums so contracted for at several gales or days therein specified.

He prays for the profits of these small vacant livings for this year, by order given to the collectors to hand over to him the bonds taken in the King's name, and for leave to pay himself, out of the sums so contracted for, £7,000, which is less than the amount of the arrears due to Sir William and Captain James Vaughan. *P.* ½. *Endd. Ibid.* 149.

This concludes the documents relating to this case.

Early 1661. Copy of Petition of Arthur, Viscount Valentia, to the King, showing that:—

The lands, &c., lately belonging to John "Joenes" and Edmund Ludlow, attainted for the murder of the late King, are in the King's disposal.

1661.

He prays for a grant to himself and his heirs of so much of these estates as are in Ireland, with a clause for reprisal in case any ancient proprietors be afterwards restored to any part thereof. *P.* ½, *with note annexed* of the King's order referring the petition to "the Marquis" of Ormond, the Earl of Cork and others, who shall consider what has been done in similar cases and report what the King may do for Viscount Valentia's advantage. *In all, p.* ⅔. *Endd. in* Williamson's[?] *hand. S.P. Ireland* 317, 150.

[19 Jan.][1] DRAFT of the KING to the LORD DEPUTY, &c., LORD CHANCELLOR KEEPER or COMMISSIONERS for custody of the GREAT SEAL, and other officers whom it may concern, for DR. PULLEIN.

We direct you to take the proper steps for advancing Samuel Pullein, D.D., Dean of Clonfert, to the Archbishopric of Tuam, now vacant by the death of Dr. Maxwell, with the Bishopric of Enaghdoin [Annaghdown] united thereto, and for his consecration, investiture and restitution to the temporalities of the Archbishopric and Bishopric, to be holden by him in as ample a manner as the late Archbishop or any of his predecessors enjoyed the same. Considering the exility of the said Archbishopric and Bishopric at present, so as the same are not able to maintain the state and dignity thereof, we authorise you to cause the small Bishopric of Kilfenora to be granted to Dr. Pullein, to be held by him in *commendam*. The patents for restitution of temporalities to him shall contain a grant of the meane profits of the Archbishopric of Tuam and of those of the sees of Enaghdoin and Kelfenora from the date of this letter and he shall have power to collect and enjoy those without account to his or our heirs. *Pp.* 1¼. *Endd. Ibid.* 151.

Same. SAME for EDWARD WORTH, D.D., Dean of Cork.

For advancing him to the Bishopric of Killaloe now vacant by the death of Bishop Edward Parrie. Clause for restitution of temporalities from the date of this letter, &c., as in foregoing. *Pp.* 1½. *Endd. Ibid.* 152.

Same. SAME for "MR." ROBERT LESLEY.

For advancing him to the Bishopric of Dromore, vacant by the death of Bishop Theophilus Buckworth. Clause for temporalities, &c., as in foregoing. *P.* ⅔. *Add to* Lord Roberts, Lord Deputy, and the Lord Deputy, &c., for the time being. *Endd. Ibid.* 153.

About same. SAME for HENRY LESLEY, D.D., Bishop of Down and Connor.

For translating him to the united Bishopric of Meath and Clonmacnoise, which is now vacant by the death of Bishop Antony Martin. Clause for temporalities, &c., as in foregoing. *P.* ½. *Underwritten.* "This letter to bear date a day before the rest." *Endd. Ibid.* 154.

[1] *See* Cotton's Fasti for the date of this and the following letters and *Calendar of S.P. Ireland*, 1660-62, *pp.* 203-4.

1661.

19 Jan. DRAFT of the KING to the LORD DEPUTY, &c., the LORD CHANCELLOR KEEPER or COMMISSIONERS of the GREAT SEAL and other officers whom it may concern, for JEREMY TAYLOR, D.D.

For advancing him to the united Bishopric of Down and Connor, now vacant by the translation of Bishop Henry Lesley [*see foregoing*]. Clause for temporalities, &c., as in foregoing. *Pp.* 1½. *Endd. Ibid.* 155.

22 Jan. SAME for GEORGE WILDE, LL.D.

For advancing him to the Bishopric of Derry, rendered vacant by the translation of Bishop Bramhall to the Archbishopric of Armagh. Clause for temporalities, &c., as in foregoing. *Pp.* 1½. *Endd. Ibid.* 156.

25 Jan. SAME for ROBERT PRICE, Dean of Connor.

For advancing him to the Bishopric of Leighlin and Ferns, now vacant by the death of Bishop Andrewes. He shall have the rectory of Killeban [Killabban] in *commendam*. Clause for temporalities, &c., as in foregoing. *Pp.* 1½. *Endd. Ibid.* 157.

About same. SAME for HENRY HALL, D.D., Dean of Cashel.

For advancing him to the united Bishopric of Killala and Achonry. Clause for temporalities, &c., as foregoing. *Pp.* 1½. *Endd. Ibid.* 158.

27 Jan. SAME for JOHN PARKER, B.D., Dean of Killaloe.

For advancing him to the Bishopric of Elphin in the province of Tuam, now void by the death of Bishop Henry Tilson. Clause for temporalities, &c., as foregoing. *Pp. Endd. Ibid.* 159.

Same[1] or later. SAME for THOMAS PRICE, B.D.

For advancing him to the Bishopric of Kildare, now vacant by the death of Bishop Golbourne, with the ecclesiastical benefices held by Golbourne for better support of the dignity of the Bishopric, if these benefices be void. If such benefices are not void or not in the King's gift, Dr. Price shall have others, either with or without cure, of the value of £400 a year. Clause for temporalities, &c., as foregoing. *P.* ½. *Endd., and with correction in* Lord Chancellor Eustace's *hand. Pp.* 1½. *Endd. Ibid.* 160.

(1) Dr. Price's patent was dated 6 March, 1661.

1661.

About 27 Jan.[1] DRAFT of the KING to the LORD DEPUTY, &c., LORD CHANCELLOR KEEPER or COMMISSIONERS of the GREAT SEAL, and other officers whom it may concern, for THOMAS FULWAR, D.D., Bishop of Ardfert and Aghadooy [Aghadoe].

For advancing him to the Archbishopric of Cashel and united Bishopric of Emly, now void by the death of Archbishop Archibald Hamilton. Clauses for temporalities, &c., as foregoing. *Pp.* 1½. *Endd. S.P. Ireland* 317, 161.

About same. SAME for DR. MARGETSON, Archbishop Elect[2] of Dublin.

We are inclined to gratify Dr. Margetson's loyalty and recommend his petition to you. Proceed therein as may seem fittest to you in view of our desire to encourage the petitioner. *P.* ½. *Ibid.* 162.

Jan. or Feb. COPY of PETITION to the KING of COL. JOHN KELLY, showing that:—

Petitioner, though he served the King, as the Duke of Ormond certifies,[3] from the first to the last day of the war, is overburdened with quit-rent. His property is small. He prays for a letter to the Barons of the Exchequer in Ireland, ordering that, as to this quit-rent, his estate be put out of charge. *P.* ½. *Endd. Ibid.* 163.

General date Feb. DOCUMENTS RELATING TO THE CASE OF THE EARL OF CLANBRASSIL.

Petition to the King of Henry, Earl of Monmouth, and Martha, his wife.

On behalf of Anne, Countess of "Clanbrazell," their daughter, and Henry, Earl of Clanbrazell, her son, an infant and ward to the King in Ireland, they show that in 1641 Lord Claneboyes, grandfather to the ward, raised a regiment of foot and troop of horse, and kept them against the rebels in Ireland at his own charge till his death, being above five years. James, Earl of Clanbrazell, the ward's father, continued them all through the war, and by this means a great part of Ulster was preserved from the horrors of the rebellion.

When the Marquis of Ormond was last in Ireland, the late Earl served under him; for which he was sequestered five years and afterwards put to a fine or ransom of £10,000; of this he had to pay £8,500. His woods were cut down and destroyed and his parks ploughed up.

By this means he was forced to contract debts of £30,000 at 20 per cent. interest yet lying on his estate and, he dying a year and a half since,[4] the present ward's grandmother was left, and is still alive, with a great part of the estate in jointure, and his mother has a great part of the remainder in jointure.

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(1) This patent is dated 1 February, 1661.
(2) Promoted to the Archbishopric, 25 January, 1661.
(3) *See Calendar of S P. Ireland*, 1660-1662, *p.* 185.
(4) On 20 June, 1659.

1661.

For the preservation of the family and estate, petitioners pray that the wardship of the infant be given to the Countess of Clanbrazell. *P.* ½. *Signed by the* petitioners. *Endd. in* Nicholas' *hand:* "passed formerly to another." *S.P. Ireland* 317, 164.

Copy of further Petition of the Countess of Monmouth to the King.

Recites the foregoing, and that the King promised to countermand the grant of the wardship of the Earl, who is not subject to that condition, since, as the Lord Chancellor and rest of the Council in Dublin know, his estates are held in free socage. They have certified this fact and the sufferings of that family.

The wardship is, however, still prosecuted there and petitioner has been referred by the Council in Dublin to the King for his judgment.

She prays for such letters as may wholly free her from further molestation in the matter. *P.* ½. *Ibid.* 165.

This concludes the documents relating to this case.

Feb. Documents relating to Cornet John Montgomery.

Copy of Montgomery's petition as calendared in *Calendar of S.P. Ireland,* 1660-62, at *p.* 242. *P.* ½.

Also Copy of Hugh Viscount Montgomery's certificate, another copy of which is calendared in the same. *P.* ½. *Signed.*

Also Copy of the certificate of Lord Newburgh and David Leslie, another copy of which is calendared in the same. *P.* ⅔. *Signed.*

Also Copy of the certificate of certain inhabitants of the Routt [Rowte] and Glens [Glins], co. Antrim, another copy of which is calendared in the same. *P.* ½. *Signed.*

In all, pp. 2¼. *Endd. S.P. Ireland* 317, 166.

About Feb. Copy of Petition to the King of Daniel Witter,(1) Clerk, showing that:—

The King appointed the petitioner Dean of Emly upon credible information that it was voided by death. Dr. Burleigh, the Dean, is, however, yet alive and the Deanery of Kerry or Ardfert is void by the death of Mr. Grey, together with the parsonage of Tralley [Tralee] thereto annexed.

Prays for the Deanery and parsonage with the profits since 1 July last. *P.* ½. *Ibid.* 167.

Same. Same to Same of Theobald Bourke, Lord Viscount Mayo, showing that:—

Petitioner's father, Theobald, late Viscount, served the King loyally in Connaught in the quality of a colonel until the Marquis

(1) Appointed Dean of Ardfert, 27 March, 1661.

1661.

of Clanricarde was overpowered and terms were made with the usurper. In the articles then made the petitioner's father was particularly comprised; yet such was the malice against petitioner's father that he was unjustly tried and "shot to death" under an illegal sentence of a High Commission Court, and his whole estate given to transplanters. Petitioner, having no support for himself and his brother and sisters, being all children of tender age, repaired to England to his mother's relations (who were of the ancient family of the Talbots, of Bashall in Yorkshire). There he has lived nearly eight years, and has been educated as a Protestant under that reverend divine Dr. Roberts. His friends think that he should now be able to support himself.

He prays for restoration to his estate. He has never offended against the King. *Two copies. P.* 1 *and p.* 1; *one endd. S.P. Ireland* 317, 168 *and* 169.

About Feb. COPY of PETITION to the KING of SIR FAITHFUL FORTESCUE, showing that:—

He is by patent from King James I. Constable of the fort of Knockfergus [Carrickfergus]. He held this post for above thirty years until the King disposed of the fortress to the Parliament of England. He was consequently outed, and the castle is now under the command of one who was an officer of the usurper.

He prays for restoration to his office according to the substance of his patent. *P.* ½. *Endd. Ibid.* 170.

About same. COPY of FURTHER PETITION to SAME of SAME.

Similar in substance to foregoing. Sir Faithful's fee was 3*s.* 4*d.* a day, "which then was valued as much as 10*s.* a day now." He prays for a "noble fee" as well as the 3*s.* 4*d.*, and for the title of Governor, which has been given to other commanders of castles in Ireland; and that, according to the Duke of Ormond's request of the King at Brussells, his office may be transferred to his sons Thomas[1] and William as joint patentees. Both have loyally served the king. *P.* ½. *Endd. in* Nicholas's [?] *hand. Ibid.* 171.

About Feb. SAME, showing that:—

"He commanded the Lord Deputy Chichester's guard of 50 launseires eight years, and after the Lord of Strafford's guard of 100 cuirasseires nine years, and was captain of a foot company above twenty years, and of a troop of horse at Edgehill battle, and after had a regiment of horse; and having been longer than any now

(1) *See Calendar of S.P. Ireland, pp.* 242-3, 439.

1661.

living a commander of horse and foot of your Majesty's Royal grandfather's and father's in Ireland," desires to live and die a captain. He wishes for the command of the twenty-four troops of horse which it is said shall be established in Ireland. *P.* ½. *Endd. S.P. Ireland* 317, 172.

About Feb. or earlier. COPY of FURTHER PETITION to the KING of SIR FAITHFUL FORTESCUE, showing that:—

Lord Roberts, to whom the King has directed his warrant for restoration of petitioner to his former office, has answered the petition saying that he cannot do anything until he arrives in Ireland.

Petitioner therefore prays for the King's letters to the present Governor or Governors of Ireland to restore him to his office according to his patents from King James I. *P.* ½. *Ibid.* 173.

End Feb. COPY of PETITION to the KING or COLONEL PIERSE LACY, showing that:—

Petitioner served the King in Ireland and abroad and he and his father suffered much in their estates for their loyalty as the annexed[1] certificate of the Duke[2] of Ormond shows. Petitioner's father for good consideration enfeoffed his son John Lacy of the town and lands of Broffe, Doroughlogh and other lands in Limerick. John was deprived thereof by colour of a supposed attainder of Pierse, his father. If there were such it could not extend to a forfeiture of the said estate formerly conveyed to John Lacy, who attempted very often to recover the same by course of the law, but was prevented from proceeding therein by unwarrantable orders from the then Council of Ireland; and was imprisoned until, to secure his liberty, he resigned his claim to these lands for £100 to those who were in possession of them. Consideration being had of this injustice, an express article was inserted in the peace of 1648-[9] for doing the petitioner right in the next ensuing Parliament.

He prays that his cause be recommended to the determination of the House of Lords about to sit in Ireland, in whom, under the articles of peace of 1648[9] jurisdiction in the matter is vested. The present possessors of the estate served against the King, whilst petitioner was in his service. *P.* 1. *Endd.* 1 June. To be referred to the Parliament.[3] *Ibid.* 174.

[End Feb.][4] PETITION to the KING of EDMUND BUTLER, VISCOUNT MOUNTGARRETT, showing that:—

Petitioner was "in no ways privy to the first insurrections in Ireland nor afterwards involved therein until, upon the generality

(1) Missing, but see the certificate of 20 February, 1661, *in Calendar of S.P. Ireland*, 1660-62, *p.* 223.
(2) Became a Duke 30 March, 1661. but I have dated the petition from the certificate.
(3) *See also S.P. Ireland*, 1660-62, *p.* 383.
(4) *See Ibid.*, *p.* 243-4.

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of the engagement in the parts where your petitioner unhappily lived, he was forced into arms by the multitude." He there behaved himself with the loyal intention to serve His Majesty and was very serviceable in that time in preserving "many hundreds of considerable English Protestants," as may be attested by persons of highest trust at Court, "and so soon as the most honourable the Marquis of Ormond received commission from his sacred Majesty to command in chief and to make peace with those in arms, the petitioner most joyfully embraced it and proclaimed the said peace at Kilkenny by heralds at arms with great acclamations of joy, and was a long time imprisoned for the same by those that opposed the said peace." He adhered to the peace and attended the King abroad when his friends in Ireland had been subdued.

When the King had by proclamations and speeches in the House of Peers promised pardon and indemnity to all persons not guilty of the detestable murder of Charles I., petitioner applied in good time for the benefit of that promise. As he abhors the execution of King Charles I., he prays for a pardon in order that he may be better able to serve the King. Since that murder he has held a colonelcy of foot and other important commands under the Marquis of Ormond, and has therein behaved himself with constant loyalty. *P.* 1. *Signed. S.P. Ireland* 317, 175.

[30 Mar.][1] Draft of the King to the Lords Justices for Viscount Moore.

Directing that Viscount Moore be advanced to the dignity of an Earl with the title of Earl of Drogheda. *P.* ½. *Endd. Ibid.* 176.

About March.[2] Copy of Petition of Nicholas Plunkett to the King, showing that:—

In or about October, 1641, petitioner became a ward, and Sir Henry Tichborne obtained his wardship. Sir Henry still enjoys part of petitioner's estate in co. Dublin under that title, although petitioner attained full age eleven years ago.

His predecessors were always loyal, and petitioner, as soon as he could bear arms, served the King under the Lord Lieutenant and Lord Deputy of Ireland.

Submitting on articles of war to Cromwell in 1652, petitioner got an order in pursuance of such articles from the then Commissioners at Dublin for the possession of his estate; but, trusting on Sir Henry Tichborne's honesty, and in loyalty to the King, confirmed Sir Henry in his wardship and did not put him out of it by virtue of this order. Sir Henry promised to relieve the petitioner during the usurper's tyranny, and, when the King should return, to restore him to so much of his estate as he occupied.

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 286.
(2) *See Ibid. Index s.n.* Plunkett

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Some time after, petitioner was ordered to go into Connaught or quit the kingdom, and chose to quit it and come to England. There, and in the Low Countries during the six years past, he has suffered and been imprisoned in a manner which he hopes is not unknown to the King. Sir Henry nevertheless refuses to give petitioner his estate till it is recovered from him by order. He has four motherless children without estate.

He prays for restoration to such of his estate as is in Sir Henry Tichborne's hands, together with the lands of Hollywoodrath and Kilmacmonan which were taken from Sir Henry by Colonel John Hewson, one of the late King's murderers; also that Sir Henry, who is now in town, may appear and show cause to the contrary. *P.* 1. *Endd. S.P. Ireland* 317, 177.

About April. DRAFT of the KING to the LORDS JUSTICES for the BISHOP OF KILDARE.

For granting the Bishop's petition, if it can be granted without prejudice to the reprisals of adventurers and soldiers [*see Calendar of S.P. Ireland*, 1660-62, *p.* 295]. *P.* ½. *Endd. Ibid.* 178.

About May. SAME for SIR WILLIAM DOMVILE.

Confirming the grant of March 25,[1] 1661, to Sir William Domvile, of the castle, lands, &c., of Loughnanstown [Loughlinstown], and approving the direction of the Lords Justices and Council that the rent therefor be £9 8*s.* a year, instead of 10*s.* a year as heretofore. *P.* ⅔. *Endd. partly in Nicholas', and partly in Sir William Domvile's hand, and with slight additions in the text in the hand of Lord Chancellor Eustace. Ibid.* 179.

About May [?][2] COPY of PETITION of THEOBALD VISCOUNT TAAFFE to the KING, showing that:—

Robert Taaffe, of Cookstown, co. Louth, being a near kinsman to the petitioner, lived quietly in his house at Cookstown and took no part in the rebellion. A party of horse under the Lord Lieutenant, coming to the town, were set upon by the Irish, and Robert then defended the English and was killed. His son Theophilus was then, being about ten years since, an infant and took no lands in Connaught.

Petitioner prays for the wardship of the body and lands of Theophilus Taaffe. *P.* ½. *Endd. Ibid.* 180.

Before 6 June.[3] SAME of JAMES TALBOT, of Ballyconnell, co. Cavan, showing that:—

Petitioner, by reason of his known affection to Charles I. and the English interest was, as soon as the rebellion broke forth in

(1) The grant is entered with date 11 March in the Signet Office Book: *see Calendar of S.P. Ireland*, 1660-62, *p.* 256, *entry* 2 (where the word "before" in the margin is superfluous). *See also Ibid., pp.* 309-310.
(2) *See Ibid. p.* 343.
(3) *See Ibid., p.* 355.

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Ireland, appointed by the Lords Justices High Sheriff of the co. Cavan, in Ulster. He went there and maintained many of the English and preserved some of their garrisons, "but the rebels growing too prevalent there and malicious against him, the petitioner was forced for safety of his life to desert the employment and his estate also," and to repair to Dublin, where the Lords Justices thanked him for his services.

Soon after, when Drogheda was besieged by the rebels, the petitioner was employed there by the Lords Justices to assist Sir Henry Tichborne. With the hazard of his life, petitioner got into the town through the Irish army and brought back an account from Sir Henry to Dublin.

Within a few days after this the Lords Justices ordered all Papists on pain of death to leave Dublin. Petitioner was accordingly compelled to leave it and to live with some of his friends who were in no way engaged in the rebellion; but, "the malice of the Irish increasing against him by reason of the aforesaid services, they often lay in wait to kill him, whereupon he stole back again to Dublin where he lived till the cessation." During the whole time of the war the rebels enjoyed his estate and he never took office or employment amongst them till after the peace was concluded. Then the Lord Lieutenant gave him an appointment there which he discharged as became him.

Petitioner was then dispossessed of his estate and transplanted into Connaught, and had only the benefit of the eighth Qualification by Cromwell's Act of Settlement which relates to such as "had not a hand in the rebellion, but did not manifest a constant good affection unto the Parliament."

He prays for restoration. *P.* ½. *Endd. S.P. Ireland* 317, 181.

7 June. DRAFT of the KING to the LORDS JUSTICES for EDWARD WALSH, of Clommanning [Clonmannan], co. Wicklow.

For granting his petition for restoration [*see Calendar of S.P. Ireland*, 1660-1662, *p.* 349]. *P.* ½. *Endd. S.P. Ireland* 317, 182.

[21 June.] DRAFT of SAME to SAME for VISCOUNT SHANNON.

For granting him a wardship [*see Calendar of S.P. Ireland*, 1660-62, *p.* 366]. *P.* ⅔. *Endd. Ibid.* 183.

June.[1] COPY of PETITION to the KING of SIR OLIVER TUITE, Kt., shewing that:—

Petitioner was not more than eight years old when the rebellion began in Ireland, his father being dead several years before "and his grandfather, an ancient man," and not involved directly or indirectly in the rebellion, but "opposing the same as far as he could."

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 366.

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The petitioner, being dispossessed of his lands by the usurped power, by whose orders the same was detained from him these several years past, did (about three months since and before any Commissioners were appointed for executing the King's declaration) make his humble address to the King for relief and obtain his reference, upon his petition, to the Earl of Drogheda and Lord Viscount Loftus. These (upon exact examination thereof) reported the state of the petitioner's case to the King together with their opinion that the petitioner (as an innocent person) should be restored to his estate notwithstanding his taking of lands in Connaught. This report has been in the hands of Sir William Morice above a month.

He prays for restoration. *P.* ½. *S.P. Ireland*, 317, 184.

About June. COPY of PETITION to the KING of BRIDGET, COUNTESS OF TYRCONNELL.

Sets out the facts recited in the grant to her of 13 June, 1661,[1] and that she had surrendered her jointure in Donegal for the conveniency of the plantation of Ulster. Asks for security for payment of her pension. *P.* ½. *Ibid.* 185.

About same.[2] BRIEF of the PETITION of the ANCIENT INHABITANTS of CORK.

The petitions set forth:—

(1) Their loyalty to the Royal cause.

(2) Their expending of £90,000 in support of the cause, no part of which has been repaid.

(3) Their earlier petition. It was referred by the King to Lord Roberts, "late Lord Lieutenant of Ireland," but nothing more was done.

(4) The King's letters of 11 March, 1661, allowed them freedom of trade in Cork and elsewhere in Ireland. This is denied them.[3]

(6) They have lost so much while kept out of their estate that they will be ruined if they are compelled to pay their quit-rents.

They pray for redress on all these points. *P.* 1. *Endd. Ibid.* 186.

About same.[4] COPIES of PETITION to the KING of WALTER HOPE, Captain of the late DUKE OF GLOUCESTER'S regiment, showing that:—

The petitioner lately petitioned [*see* annexed] on behalf of himself and his aged father, Alexander Hope.

The Committee for Irish affairs directed only a letter to be directed to the Lords Justices of Ireland to restore petitioner "according to the tenor" of the King's Declaration. This means that petitioner and his father are concluded by the father having taken lands in Connaught.

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 353.
(2) *See Ibid.*, *p.* 384.
(3) *and* (4) *See Ibid.*, *p.* 383.

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For his father's loyalty and his own and his brother's service in foreign parts, he prays that an order such as that given to others who took land in Connaught under compulsion, whereby they are not concluded by taking such land, may be made in his favour. If his father be concluded, he prays that he may not be so. *Two copies, each p.* ½ *and endd. S.P. Ireland* 317, 187 *and* 189. *Each annexing—*

About June [?]. COPIES of FURTHER PETITION to the KING of WALTER HOPE, Captain of the late DUKE OF GLOUCESTER'S regiment, showing that:—

Protests the loyalty of his father, Alexander Hope, of Molingare [Mullingar], in the times of the rebellion in Ireland. His father was forced on pain of death to repair into Connaught. The father sent his children abroad with such men as he could raise, as he could not serve himself, to serve under the King's ensigns there; and they, with the petitioner, who is their elder brother, are in actual service in Flanders. The elder brother has been out of Ireland since his infancy. He served under the Duke of York whilst he was in France and, when His Majesty came into Flanders, was one of the first to quit his French employment and offer his service to His Majesty. He is now first captain in the late Duke of Gloucester's regiment.

Petitioner prays that he, who is nominated specially in the Declaration, and his father may be restored to their estates. *Two copies, each p.* ¾. *S.P. Ireland* 317, 188 *and* 190. *No.* 188 *is endd. in* Secretary Nicholas' *hand*; the petitioner must address himself to the Lords Justices or the Commissioners for executing the King's Declaration.

Same [?]. DRAFT of the KING to the LORDS JUSTICES for RICHARD BELLING [BELLINGS].

Directing that he be restored to all his estate not *in the hands of* adventurers or soldiers and to such mean profits thereof as have grown due since 24 June last. Any rent imposed on the estate by *custodiam* or lease of the usurpers to be put out of charge in the Exchequer. *P.* ½, *the words in italics erased and corrected to* 'In Ireland held by Hewson or others which.' *Endd. Ibid.* 191.

Same [?]. COPY of PETITION of COLONEL PIERCE WALSH to the KING, showing that:—

Petitioner adhered to the peace of 1646, and had the command of a troop of horse conferred on him by the Duke of Ormond. He was shortly afterwards overpowered by the opponents of that peace, but did his best to restore it. He embraced the peace of 164⅝, and tried to promote it, exposing himself and his fortune in

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his capacity of colonel of horse. In 1652, he was forced to leave Ireland and served the Royal cause abroad. He was among the first to present himself in Flanders when the King's forces gathered there, and, till the Restoration, served in the Duke of Ormond's regiment.

He is informed that some friends of his wife, seeing her distress in his absence, sued for some lands in Connaught for her; and that such lands were decreed to but never occupied by her.

He prays for restoration. *P.* ½. *Endd. S.P. Ireland* 317, 192.

About June. NOTES in SECRETARY NICHOLAS'S hand of matters discussed [at the COMMITTEE of the PRIVY COUNCIL for IRISH AFFAIRS].

Sir Richard Ingoldsby. Letter to go to the Lords Justices [*states* effect of that calendared in *Calendar of S.P. Ireland*, 1660-62, at *p.* 354. The provision of the Act of Parliament there mentioned was in confirmation of a judgment obtained by Ingoldsby in 1658 in the Court of Common Pleas in Ireland].

Notes in the cases of Mrs. Bermingham and Sir Thomas Esmond similar to those calendared on *p.* 355 of same, under date 8 June, 1661.

Henry O'Neale. The petitioner is apparently an innocent Papist. The Lords Justices to certify at once why he is not restored.

Patrick Archer's case. The Lord Chief Baron to be directed to certify how the debt to Archer may best be paid, and to take some course that Archer be paid his £205 a year till the matter is put in a more regular way. Archer served the King faithfully when many others refused to do so.

Pierce Walsh to be recommended effectually to the Lords Justices for restoration. *Pp.* 2. *Written* on portion of a letter addressed to Secretary Nicholas. *Ibid.* 193.

Same [?] COPY of PETITION of ROBERT ARDAGH to the KING.

Substantially the same as that calendared in *Calendar of S.P. Ireland*, 1660-62, *p.* 171. States that all petitioner's estate was, for his loyalty to the King, sequestered by the usurper. Asks for the post of Clerk of the Estreats and Sumonister of the Irish Exchequer. *P.* ½. *Endd. Ibid.* 194.

Same [?]. SAME, showing that:—

Petitioner was first appointed to the aforesaid office in 1650, and was confirmed in the appointment, at the recommendation of his Excellency on 7 July last. He has tried to get his patent passed and has got as far as the Great Seal, but it cannot pass this without special direction from the King or the Lord Deputy.

As this is so and as the grant was made before the Lord Deputy was declared Lord Deputy,

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He prays that he may be allowed to pass his patent under the Great Seal of England without further interruptions. *P.* 1. *Endd. in* Nicholas' *hand*: "My Lord Marquis of Ormond desires this petition may pass." *S.P. Ireland* 317, 195.

10 July. DRAFT of the KING to the LORDS JUSTICES for EDWARD ROTHERAM or ROTHERHAM.

For making him Feodary of Leinster.[1] *P.* ½. *Ibid.* 196.

Before 16 July.[2] COPY of PETITION of JOHN FOSTER, gentleman, to the KING, showing that:—

Petitioner's father, George Foster, Esq., died a faithful subject to the late king, and, in his life-time, to the utmost of his ability, liberally contributed to the maintenance of his army in Ireland. Since his father's death petitioner has served the present King in Ireland, especially under the Marquis of Ormond, for which, and for being a Papist, he was outed of his estate within three miles of Dublin and elsewhere by the tyrannical usurpers Oliver and Richard Cromwell. This estate is come to petitioner as heir to his father.

He prays for a reference of his case to persons who know Ireland, that the King may make a further and just order therein. *P.* ¾. *Endd. Ibid.* 197.

About August.[3] MEMORANDUM of PETITION by M. DEVILLIER to SECRETARY BENNET.

Mentions his long service in the Irish wars from the first to the last day of which he loyally served the King. He armed two companies of light horse at his own expense by the Duke of Ormond's commission. Begs that he may be included in the number of innocents who are to have lands for their arrears. *P.* ½. *(Hol.) in bad French. Endd. Ibid.* 198.

About 29 Aug. DRAFT of the KING to the LORDS JUSTICES for the orphans of the late VISCOUNT TARA.

Similar to that calendared in *Calendar of S.P. Ireland*, 1660-62, *p.* 412. Directs only that such speedy order be taken for restoring the orphans to their lands, &c., in Ireland as may suit with justice, and show the King's gratitude to the late Viscount Tara and compassion for his children. *P.* ½. *Endd. and with a fragment in cipher and deciphered on the back. Ibid.* 199.

(1) *See Calendar of S.P. Ireland*, 1660-62, *p.* 379.
(2) *See Ibid., p.* 381.
(3) *See Ibid., p.* 399. There is no certainty, of course, that this document is of this date.

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Before August. DRAFT of the KING to the LORDS JUSTICES.

Concerning certain lands in the baronies of Barrymore and Muskerry.

On August 2nd last we required, &c.[1] We afterwards, by an order dated August 21 last, ordered that Crofts should pay such sums as had come unto him under the earlier order to the Earl of Clancarty, and required all those who had not already paid such rents to Crofts to pay them to the Earl of Clancarty. You shall, on the request of the Earl or his agents, give such further orders and warrants as may be necessary to render these orders effectual for his benefit against Crofts and all others. *P.* 1. *Endd. S.P. Ireland* 317, 200.

About August. SAME for JOHN PETTY.

Sir Adam Loftus has in the opinion of our learned counsel vacated the office of Surveyor-General of Ireland by non-attendance and by accepting a patent of the Vice-Treasurership of that kingdom, and we have discharged Sir Adam and his deputy or deputies from his execution of the same, who contrary to law presumed to officiate though never sworn. We have granted the office to Sir Allen Broderick, who is sworn accordingly by Lord Chancellor Eustace. You shall admit his deputy, John Petty, to the peaceable execution of the office. *P.* ½. *Endd. Ibid.* 201.

About August.[2] SAME for SIR EDWARD MASSIE or MASSEY.

We hear that Captain Pennyfather, a person notoriously disaffected to us, pretending a title to the towns, lands and woods of Water Castle and Kilballin-Tallagh, belonging to the abbey of Leiux [Abbeyleix] in Ireland, granted by us to Sir Edward Massey, has, under pretence that the same are forfeited by the Earl of Upper Ossory and under that colour set out to him, cut down, wasted and destroyed most of the timber trees in the said woods, so that in a short time there will be none left if he be not timely prevented and restrained. We therefore direct you to order Pennyfather and his agents not to cut down any more woods on any of these towns, lands and to take surety of them to be answerable for such as they have already cut down in the Court of Exchequer in Ireland. If the said Pennyfather can make no other title to the woods than aforesaid, Massey shall be repossessed thereof, to enjoy them according to his lease. *P.* ¾. *Endd. Ibid.* 202.

14 Sept. SAME for DR. FULLER, Dean of St. Patrick's, Dublin.

This is a draft, with corrections, of the document calendared at this date in *Calendar of S.P. Ireland*, 1660-62, *at p.* 422, *q.v. P.* 1, *with subscription in* Nicholas' *hand. Endd. Ibid.* 203.

(1) *See Calendar of S.P. Ireland*, 1660-62. *p.* 24, last entry but one, for the order.
(2) *Ibid*, *pp* 411-412.

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Sept. NOTE of the KING in Council's reply to certain letters of the LORDS JUSTICES of COUNCIL in Ireland.

The letters from the Lords Justices and Council of the 21st August[1] were read at the Board, His Majesty being present.

I was directed by the King to thank them for their care and desire them to continue their efforts to discover plots and attempts at disturbance in Ireland. They shall arrest all those whom they can prove to be "plotting or actually endeavouring" any disturbance there. As concerning the Tories, they shall take a good course to arrest them and deal with them exemplarily according to law. *P.* 1. *in* Nicholas' *hand with abbreviations. S.P. Ireland* 317, 204.

About Sept.[2] COPY of PETITION to the KING of MAJOR HENRY O'NEALE, showing that:—

Petitioner served the Royal cause in England and Ireland since he was fifteen years old, and will be ever ready to sacrifice in that cause his life and all that is dear to him.

The King, considering petitioner's former address and the certificates of eminent persons in his favour, gave order for his restitution to his estate.

The Lords Justices merely referred this order to the Commissioners of Claims, who, though often asked to do so, have never carried it out for his benefit. Their excuse is that petitioner, when he was but 14 years of age, lived with his mother in the Irish quarters and that he has taken lands in Connaught. They further stated that they would not restore petitioner till reprisals were found for Lord Massereene, himself one of their body, who is in possession of petitioner's estate, and *who several times offered petitioner* £450 *a year in composition.*[3]

As petitioner departed from his mother's abode and went to England to serve King Charles I. as soon as he could, and as it "may not be agreeable with the laws of God or nature" to condemn an infant for living with his mother when he had nowhere else to live, and as in the case of innocent persons reprisals are not required by the Declaration; and "for that also the petitioner may not expect any indifferency before the said Lord Mazerin or his fellow Commissioners, his power and interest, and the near resemblance of their cases to his, being sufficient to make a party for him"; and as the King has already ordered his restoration,

He prays for direct order to the Lords Justices for his restoration without the "circuit" of a reference to the Commissioners. The lands given him in Connaught have been for the most part restored to the former proprietors. *P.* ½. *Endd. Ibid.* 205.

(1) 1661. *See Calendar of S.P. Ireland*, 1660-1662, *pp.* 405-9.
(2) *See Ibid., p.* 431.
(3) The words in italics are added in another hand.

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Before Nov. DRAFT of the KING to the LORDS JUSTICES and COUNCIL.

By our Declaration of November 30 last we directed that certain rents should be reserved to us (according to several rates in the several provinces wherein the lands do lie) upon all lands settled upon adventurers and soldiers, transplanted persons and other persons to be restored to their estates in Ireland. We have thought good according to your late advice sent us, to recommend you to take speedy and effectual order that upon all other grants and leases made since our return to England, and upon all such grants made in future to persons of forfeited lands or houses in Ireland, the rent reserved shall be at least treble that reserved upon the lands and houses granted to adventurers and soldiers in the province where such lands and houses shall lie. We know you will act herein as may be best for our service. *P.* ½, *in* Nicholas' *hand. Endd. S.P. Ireland* 317, 206.

Same. DRAFT of PORTION of the KING'S LETTERS appointing the DUKE OF ORMOND LORD LIEUTENANT of IRELAND.

And whereas it seems highly necessary to us that our said Lord Lieutenant-General, &c., should himself attend our person for matters of great moment, we have given him full power to appoint a deputy or deputies by name under the Great Seal of Ireland to act during his absence in England. Such deputy shall have no power to issue or pay our Treasury [*Thesaurar*] or moneys to any persons on his or their sole warrant. Such warrants shall be signed by the said deputy, &c., with his sign manual, and by the hands of our Councillors, of the Master of the Court of Wards [*Curiæ Wardrob*], of the chief Baron of the Exchequer and of our principal secretary there for the time being, or at least by two of them. *P.* 1. *Latin. Endd. Ibid.* 207.

About end. MEMORANDUM as to the DUKE OF BUCKINGHAM'S INTEREST in the IRISH CUSTOMS.

King James I. in 1618 granted all the customs of Ireland to the late Duke of Buckingham for ten years, to begin at Lady Day, 1619, paying £6,000 to the King; and all necessary charges and defalcations deducted.

Afterwards the said King granted all the said customs for seven years more after the expiration of the ten years, reserving the yearly rent of £6,000 and the moiety of such moneys as should arise above £6,000. He also granted to the Duke the moiety of all forfeitures of prohibited goods which should happen during the said seven years.

Afterwards, vizt., on March 24, 1632, there being a design by the late Earl of Strafford to raise the customs, Charles I. (in consideration

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of a £20,000 fine) *passed*[1] to my Lady Duchess of Buckingham a lease of all the said customs for fifteen years, paying the King £11,050.

The Duchess, by agreement with his Majesty, and for his advantage, by lease dated 26 March, 1632,[2] assigned her term in the said lease to Lord Mountnorris and others, paying to her and her assigns £4,550 per annum over and above the £11,050 payable to the King.

The £4,000 rent her Grace enjoyed the first nine years. The other £550 she granted to End[ymion] Porter for the whole fifteen years.

The last six years of the fifteen the Duchess granted to the Earl Pembroke and Sir Robert Pye to receive the £4,000 a year *for the use of the then D[uke?] of B[uckingham]*; *£2,000 a year* for the increase of his yearly maintenance and £2,000 for purchasing land for his Grace.

The present Duke received only £2,000 in these six years; so there is £22,000 arrears.

The lease of fifteen years ended 1647.

To move His Majesty

That, in consideration of the said arrears of £22,000, he would be pleased to grant your Grace the lease for 21 years of the £4,000 a year, £2,000 of which to go to your mother for ten years, and after that the whole £4,000 to be to your Grace. That this be passed to your Grace as the former lease was to your Grace's mother that you may still be a tenant of the said customs.

To move the Duke to grant the Duchess of Buckingham the tenths of all prizes taken by the frigate set forth *to sea* by her Grace and her husband. *P.* 1. *S.P. Ireland* 317, 208.

Copy of Petition of Viscount Fitzwilliam, of Merrion, to the King, showing that:—

Petitioner for years served King Charles I. and the present King, for which loyalty he has, as the King knows, lost much.

His houses of Merrion, Dondrom [Dundrum], Ringsend, Glencullin [Glencullen], Cappock, Baggotrath, and Symonscourt, with several other towns of his, were demolished and burned, together with great store of hay and corn, by order of the King's Privy Council of Ireland, in order to prevent the Irish army which came to besiege Dublin from taking them.

In lieu or compensation thereof, petitioner asks that the King will grant him all the right which he has in the said lands or in any part of them by reason of any default of either the petitioner or any person to whom any of the said lands are mortgaged. *P.* ½. *Ibid.* 209.

(1) The words in italics are inserted in the hand of Secretary Nicholas.

(2) The date is given as 26 March, 7 *Caroli*, which would, strictly speaking, be 1631, since Charles I. acceded to the throne on 25 March, 1625; but the lease is clearly subsequent to the grant of 24 March, 1632, mentioned above. *See also Calendar of S.P. Ireland*, 1625-32, *p.* 655.

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Before Dec. COPY of PETITION of VISCOUNT FITZWILLIAM, of Merrion, to the KING, showing that:—

Petitioner and his predecessors have been possessed of certain church lands in Symonscourt which his predecessors have held by lease from the Dean and Chapter of Christchurch in Dublin for near 100 years at the rent of £7 12*s*. These lands were ordered by "the late Council" to be put into the petitioner's hands, he paying the usual rent. The Earl of Mountrath[1] has lately ordered that petitioner be put in possession of the said church lands. As the petitioner and his predecessors have been possessed of the church lands of Dondrom, *alias* Tanny *alias* Churchtown at the rent of £3 12*s*. Irish or thereabouts and of the lands of Moulchanstown [Mulchanstown], Liperstown [Leopardstown], and Tinekilly [Tinakilly] at the rent of £3 a year, all of which they have possessed for more than fifty years, which a lease from the Archbishop of Dublin and the Dean and Chapter of Christchurch will prove:—

Petitioner prays for a King's letter to the "Bishop" of Dublin and Dean and Chapter of Christchurch for renewing the leases of the lands mentioned in this petition to the petitioner for 100 years to come, at the rents specified and an indifferent fine. He prays also for immediate possession, as no adventurers or soldiers are placed upon the lands. *P.* 1. *Endd. S.P. Ireland* 317, 210.

1662.

1662.

Latest date 24 March. DOCUMENTS RELATING TO THE CASE OF THOMAS GOUGH OR GOEGH.

Petition of Thomas Goegh to the King, showing that:—

The petitioner is interested, as descended to him from his father and uncles, in an estate to the value of £2,000 a year. The power of the late usurper becoming prevalent, the petitioner's father and uncles were deprived of their whole estate, and had no part of it left them as not being within any qualification in the settlement made by Cromwell's Ordinances. But true it is that in charity, and not as compensation, he had some 600 acres which were not worth more than £24 a year.

Petitioner's father and uncles adhered to the peace of 1648 [1649]; therefore he prays for restoration. Part of his estate is in Colonel Sankey's hands and part in those of the King, Colonel Sankey's being a gift from the usurper Cromwell.

He desires warrant for present possession of both parts, and an order to have the adventurers and soldiers who are on his estate reprised, that he may thereupon be restored to those parts which are in their hands. *P.* ½. *Underwritten with*—

Order, dated at Whitehall, 6 December, 1660, *and signed by* Secretary Nicholas, referring the petition to the Lord Lieutenant and Lord Chancellor Eustace, *and endd. with*—

(1) Died December, 1661.

1662.

Report by the Duke of Ormond and Lord Chancellor Eustace on the foregoing petition.

Sets out a report dated 3 December, 1660, and signed by the Earl of Clancarty, and another dated the same and signed Thomas Butler, John Ayleward, John Porter, and Alexander Roch. The first states that the petitioner adhered to the peace of 1648 and served loyally with the Earl of Clancarty until he laid down his arms after the surrender of Ross in Munster. The second certifies that he got no lands in the Cromwellian settlement except the 600 acres mentioned in the petition "which was deemed as a charity and was disallowed by those usurping the supreme power in Dublin" as not warranted within Cromwell's Act of Settlement. It also states that the present certifiers can prove this, as they were at Athlone at the time when the matter was debated.

On this evidence, and on account of the merits of Major Edward Scott, kinsman to the petitioner, the report recommends that the petition be granted. Letters to go to the Lords Justices accordingly. *The whole, pp.* 2½. *S.P. Ireland* 317, 211.

Further petition of the same, showing that:—

He has received no benefit from the King's letters of 17 December, 1660, for his restoration, which were grounded upon a report of the Duke of Ormond and Sir Maurice Eustace [*for facts see* foregoing. They are here set out].

He prays that arrangements for his security be made in the present act, otherwise, he fears he may be unable to reap the fruit of the King's former orders. *P.* ½. *Underwritten with*—

Order, dated at Whitehall, 24 March, 1661[2], *and signed by* Secretary Nicholas, referring the petition to the Lord Lieutenant and the rest of the Committee for Irish Affairs, for a report as to what the King should do. *Endd. Ibid.* 212.

This concludes the documents relating to this case.

[About April.][1] Draft of the King [to the Lords Justices] for Colonel William Hamilton.

A report made to us by Sir Maurice Eustace grounded upon the petition of Colonel Richard Grace, certified that John, father of John Coghlan, of Streamstown, an infant, submitted to the peace of 1648, and adhered to the Royal cause. We granted the wardship of Coghlan to Lieutenant-Colonel William Hamilton, and Grace complained by petition that Coghlan's estate was distributed by the late usurpers, that part of it was held by Gregory Clement, lately attainted for the murder of King Charles I., and that the lands held by Clement are now in our hands, and the rest of

(1) *See Calendar of S.P. Ireland* 1660-62. *pp.* 513-14.

1662.

Coghlan's estate is in the hands of adventurers and soldiers. Colonel Grace asked for an order restoring the said estate. We are desirous that Colonel Hamilton should reap the benefit of the wardship and that, in right of the said infant, he be restored according to the provisions of the General Declaration. You shall cause him to be forthwith put in possession of so much of the infant's estate as was held by Clement and is in our hands or is not held by reprisable adventurers or soldiers, and shall set out reprisals for reprisable persons who hold any part of such estate. Those in possession shall yield him quiet possession and shall, in the meantime, commit no waste on the premises. Clauses for execution. *P.* 1 (*large*). *Endd. S.P. Ireland* 317, 213.

Also draft of similar letter dealing only with the aforesaid lands other than those lately held by Gregory Clement. *P.* ½ (*small*). *Endd. Ibid.* 214.

About same [?]. Draft of Royal Warrant to the Solicitor-General.

Directs him to insert in the Act of Settlement now preparing for Ireland, a clause, according to the annexed, for Sir Charles Lloyd, Bart., for receiving the rents, issues, and benefits of the town and lands of Shanmaclone, and other towns in Ireland. P. ½. *Endd. Ibid.* 215.[1]

About same [?]. Draft clause mentioned in foregoing.

Whereas the towns and lands of Shamaclone [Shanacloon], Garrouse [Garroose], Brury [Bruree], Garrane, Lishanacone, Ballyfoukin [Ballyfookeen?], Ballymoran [and] Ballywillin in the barony of Conello, co. Limerick, and also 1,500 acres in Garrindeny [Garrendenny], in the barony of Slewmargy in the Queen's Co. were allotted to Charles Lloyd, Esq., now Sir Charles Lloyd, Bart., as an adventurer for lands in Ireland; but the rents, &c., thereof have not been paid him and have been wrongfully received by Samuel Avery and others or [are] in the hands of the tenants of the said land. Be it enacted, &c., that Sir Charles shall have and receive all such issues, rents, &c., which have grown due since the lands were allotted as aforesaid, and also all such rents, &c., as have been received by Avery or any other person on any security[2] to indemnify the said tenants against Sir Charles Lloyd. *P.* 1. *Endd. Ibid.* 216.

Before June. Draft of the King to the Lords Justices for Gerald Fleming, of Castle Fleming.

Directing that he be restored to the tithes, rectories and impropriations whereof his father was seised or possessed in 1641. *P.* ½. *Add.* to the Lords Justices. *S.P. Ireland* 317, 217.

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(1) *See also above p.* 431.

(2) *See* Statutes of Ireland II. 287 for a less definite clause in the Act of Settlement dealing with this matter.

1662.

About June [1] DRAFT of the KING to the LORDS JUSTICES concerning restorations.

Acting on the reports of such men as seemed to us best qualified to judge, we have directed letters to you for restoring several persons to their estates. Should any of our said advisers have been incompletely informed, or these grants reflect on our honour or retrench what belongs to adventurers or soldiers, or prejudice the public, we leave you to execute them or not, as you think well. You shall send us your reasons for not so complying, and shall adhere to the rules of our Declaration. *P.* ½. *Endd. S.P. Ireland* 317, 218.

After June. COPY of PETITION to the KING of JOHN FARRELL [of Clonoghra], one of His Majesty's footmen.

Refers to the King's orders of 6 September, 1660, and of 28 February, 1661.[2] The Lords Justices have only given him the custody of these lands for a year, awaiting the king's further pleasure.[3]

He prays for "the complement" of the King's favour to him. *P.* ½. *Ibid.* 219.

About Sept.[4] DRAFT of [the KING to the LORD LIEUTENANT and COUNCIL] concerning Schools in Ireland.

We have taken into consideration "the prejudice of the want of fit means for the breeding of youth" in Ireland "as well in regard of the small number of Colleges and Schools are there at present and what advantage it will be to all our Irish subjects as well in what relates to the education and instruction of their children in the true religion as other good literature that there be more colleges and public schools erected in convenient places and competently endowed." We desire you to consider the best means of carrying this desire into effect and put them speedily into execution. We suggest to you, as a means of doing this, that you "engage all the adventurers and officers who are to receive any advantage by the Act of Settlement, as well those who served before 1649 as others, to contribute everyone out of his arrears or estate some such portion as they themselves shall think fit" towards accomplishment of this good work. We leave the details to you, assuring you that it will please us greatly to see your endeavours herein take effect. *P.* 1. *Followed by*—

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(1) *See Calendar of S.P. Ireland*, 1660-62, *pp.* 564-5.
(2) *See Ibid., p.* 238.
(3) *See Ibid., p.* 347.
(4) *See Ibid., Index, s.v.* "Royal Society."

1662.

[About Sept.] DRAFT of [the KING to the LORD LIEUTENANT and COUNCIL] for the ROYAL SOCIETY.[1]

"The inclination we have to promote the improvement of real and useful learning having moved us to establish a Society of the fittest persons in our dominions for that purpose, and by our letters patents, to erect the same into a corporation by the name of 'The Royal Society of Philosophers'; and it being our intention to be beneficial to it and encourage others to be so too," we direct you to influence all officers who served before 1649, and are to be recompensed in Ireland, and to "move and engage" them to bestow on this Society some such portion of their arrears as they shall think fit. You shall cast these donations together into one sum, and set forth lands, lying conveniently together, of equal value to it at the rates at which the officers have their lands. We also expect "you yourselves" to contribute to this good purpose out of your arrears or estate. We leave the details to you, *&c., as foregoing.* *P.* 1. *S.P. Ireland* 317, 220, 1.

20 Dec. The EARL OF ORRERY to SIR JAMES SHAEN.

I was very glad to find by your letter to your good lady that you had escaped so great a danger, and am troubled at not having heard of you since you came to London. I have had very bad gout, but am better. Hasten on my business and let my sister Ranalogh [Ranelagh] know that I wish her to tell the Chancellor that if any other persons be inserted in Lord Mayo's bill it will not serve their turn and that it will destroy him, and therefore I beg his lordship's favour that it be returned as it was sent over. Deliver the enclosed safely. *P.* 1. (*Hol.*). *Add. to* Sir James Shane, at Mr. Cullis' house, next door to the *Harp and Ball*, near Charing Cross, *with postmarks.* *Endd.* *Ibid.* 221.

27 Dec. Dublin. SAME to SAME.

I have yours of the 20th and am very pleased that you have seen the King and that he has said so many obliging things of me. "God is my witness, never any subject loved his Prince more than I love him; which I had rather my service than my words should assure him of."

I here enclosed send you my letter to Sir Henry Bennet. Assure him of my desire to serve him.

I beg you to hasten over the letters for me to be put in possession of the lands set out for lapsed moneys. "Let the letter take it for granted that the lapse money lands already set are by the Act already vested in the King, and consequently need not stay to fulfil, for so much of it, the clause in the Act of Settlement

(1) Similar to the letter in *Calendar of S.P. Ireland*, 1660-62, *at p.* 591; but not identical therewith.

1662.

which says "the Adventurers being first satisfied," for that can have no relation to what is already actually set out, but only to what is short of answering the whole sum. Pray let the letter be fully and legally penned by good advice.

As to what my sister Rona [?] writes, I dare say when you come back, we shall not disagree.

I shall recommend you when I write to the Lord Chancellor next week and shall not fail to recommend you to his favour. I hope my word in your favour will pass as far as Dr. G.'s did against you. Bestir yourself vigorously in your present work; for thereon depends much of the happiness of Ireland and your own good. If you succeed I hope that your service will leave an impression so deep that it will not be in your enemy's power to deface it. *P.* 1. (*Hol.*). *Add. as foregoing. Endd. S.P. Ireland* 317, 222.

30 Dec. Dublin. The Earl of Orrery to Sir James Shaen.

Last night the Lord Lieutenant honoured me with his company from after dinner till nine at night. During that time the English packet came in. He opened your letter and gave it to me to read before he read it himself. We were troubled to find his first hopes had been disappointed, but pleased that you are making efforts to effect that object in another way. Proceed in your present course with all your power, for, if you succeed, you will do Ireland a great service, and yourself also.

Pray hasten over my order about the land set out on "lapse moneys." If you do not send over my sister Barrymore's letter by the next post you will lose her good opinion for ever. Let me hear the news every week. *P.* 1. (*Hol.*) *&c., as foregoing. Ibid.* 223.

December. Draft Warrant to Sir Heneage Finch, Bart., Solicitor-General.

Directing that an annexed proviso [*missing*] be inserted in the Bill of Explanation for Ireland in favour of Colonel Daniel O'Brien. *P.* ½. *Dated* — December, 1662, *with note* [*in* Secretary Morice's [?] *hand*] directing the provision to be inserted in the bill transmitted out of Ireland for restoring Viscount Mayo to his estate. *Ibid.* 224.

About same. The King to the Lord Lieutenant.

For the good opinion I have of Colonel Daniel O'Brien, I should have admitted into the Explanatory Bill a proviso for him if I had admitted any such. To supply this, I have suffered such a proviso to be put into Lord Mayo's bill. I recommend the Colonel once more to you; and ask you to favour him both in the passing of this bill and in all other matters which may be for the advantage of him and his family. *P.* ½. *Signed. Endd. Ibid.* 225.

1662.

Before end. NOTE on the conduct of certain ALDERMEN and COUNCILLORS of Dublin.

Certain persons—as follows—should be put out from being Aldermen and others of the Common Council [should be expelled] which will conduce to the peace of His Majesty's Government and the welfare of his subjects:—Richard Tight [Tighe?], Thomas Hook, Daniel Hutcheson, John Preston, William Clife—all Aldermen.

Tight said that King James committed an abominable crime [named] with the Duke of Buckingham, that the late King did poison King James and that "he would rather die than see the foberyes of common prayer used."

Hook said, before Lieutenant-Colonel Yarner, that the late King was justly put to death and that it was a just act of the Parliament.

The names of the Common Council:—

Enok Rider [Reader].	John Lezson [Leeson].
John Smith.	Jonathan Butterton.
William Hill.	John Dotton [Dutton].
Edward Priscoe.	John Sisson.
Hue and John Price.	William Brokes.
Luke Lowther.	Henry Yatts [Yates].

The above should be "expulsd" from bearing any office and be "disfrancht." Sir William "Dumbell" [Dumvile], the Mayor and Recorder Alderman William Smith, Peter Weybrant, Mark Quine, Robert Deey, aldermen, or any four or more of them, should be empowered from time to time to "expulse" all such out of the "tabell" of Aldermen and Common Council "as they shall conceve fitt; teninge to His Maietie's servis."

Only those known to be well affected to the King's Government to be Aldermen or of the Common Council. *P.* 1. *Endd. in* Nicholas' *hand, badly spelt, and apparently written by someone not well versed in English.*[1] *S.P. Ireland* 317, 226.

[About end.] DRAFT of the KING to the LORD LIEUTENANT for SIR NICHOLAS ARMORER.

It was formerly intended to settle upon the orphans of Colonel Owen O'Connelly lands to the value of £200 a year; and the Act of Settlement authorised the Commissioners of Settlement to set aside lands of that value for them (Arthur and Martha O'Connelly) out of the forfeited lands of Murragh, Leestown [Leastown], Wespalstown [Westpalstown], Bernonstown [Brenanstown], Artane, and Breemore *alias* Newhaven, in the baronies of Balrothery, Coolock or elsewhere in co. Dublin. There were favourable clauses. We are informed that these lands far exceed the value of £200 a year, which was all that we intended to grant to the O'Connelly's; and they may admit of some subtraction. You shall grant all the houses and lands called Artane or Tartaine in

[1] Mr. Elrington Ball has given me some valuable help in identifying the names in this document.

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the parish of Finglas, lately the property of Nicholas Hollywood, of Tartaine, which form part of the lands allotted for the O'Connelly's, to Sir Nicholas Armorer, containing 225*a.* 2*r.* profitable or thereabouts; and so much of the other lands [*mentioned above*] as, on the return of a true account, exceed the value of £200 a year reserved for the orphans. If the said lands [Artane being excepted] do not amount to £200 a year in value, you shall set out other lands in co. Dublin to the O'Connelly's to bring up the value of their grant to £200 a year, since we desire to give to Sir Nicholas an absolute grant of Artane on the terms given to adventurers and soldiers. *Pp.* 1¼. Dated , 1662. *S.P. Ireland* 317, 227.

About end. DRAFT of the KING to the LORD MAYOR, &c., of Dublin, concerning SIR DANIEL BELLINGHAM

In the sense of the letter desired by the Earl of Anglesey, *for which see Calendar of S.P. Ireland*, 1660-62, *pp.* 693-4. *P.* ½. *Endd. Ibid.* 228.

[About same?] COPY of PETITION of SIR DANIEL BELLINGHAM to the KING, showing that:—

He has been kept above three months from his family and occasions in Ireland to the great damage and ruin of himself and many others, whose estates are in his hands. He owes large sums in Ireland and has suits pending there which cannot be successfully prosecuted or defended if he be detained in England. He has served the King for his restoration and since and is loyal. Prays to be dismissed. *P.* ½. *Endd. Ibid.* 229.

[About same?] COPY of PETITION to the KING of ARTHUR, VISCOUNT MAGENIS of Iveagh, showing that:—

Petitioner, from the first time he was able to carry a sword, made use of it in your Majesty's service, as well at home as abroad; and was, as a reward for his services, included by special mention in the Declaration [of November, 1660] and restored[1] by special Royal orders to his estate. Notwithstanding such orders and Declaration, he has since been kept out of his estate and has had to live on credit in England for two years. Here he contracted debts for which he was arrested in London on Saturday last and carried to prison, where he continues, and is like to perish if not relieved by the Royal bounty.

He prays that he may be enabled to go to Ireland to prosecute the recovery of his estate. *P.* ½. *Endd. Ibid.* —.

(1) *See Calendar of S.P. Ireland*, 1660-62, *pp.* 225, 226.

1662.

[About end?] PETITION to the KING of CAPTAIN EDWARD FITZGERALD, showing that:—

He brought a troop of horse out of Ireland to England and served there with the Earl of Burlington till the delivery up of the horse in Cornwall. He lost the use of his hands in the war and underwent other hardships in the Royal cause; in consideration of which he received a pension of £100 a year on the Irish establishment. This was constantly paid him till the time of Lord Roberts' Government in Ireland, who suspended the same. On consideration, the King ordered petitioner a pension of £40 a year, previously held by Jephson Maguire; but this was again granted to one Smith before petitioner could obtain it.

He prays for letters to the Lord Lieutenant directing that he be paid the arrears of his pension (*i.e.* £250) out of the money appointed in Ireland for pay of a sea regiment. This money may be paid out for other purposes until the sea regiment is raised. *P.* ½. *Signed.* (*Hol.*). *Endd. S.P. Ireland* 317, 231.

[Same?] [to the LORD LIEUTENANT].

My Lord,

Dr. Hill tells me that on the King's letters in behalf of his father the craner and "wharfager" of Dublin, the matter has been referred by your Excellence, and that the father is willing for the sake of the merchants to moderate the fees of the crane in hopes of enjoying the remainder of the benefit intended to him by his patent. I hope your Excellence will not allow that he should lose the whole value of his patent.

He should be allowed to charge his fee for goods landed in any creek or bay as if they came through the crane itself. This patent would be valueless if the merchant is allowed to export and import to and from his own door as he pleases. *P.* ½. *Not signed. Endd. Ibid.* 232.

1663.

1663.

Before 17 March. COPY of PETITION to the KING of WILLIAM FULLER, Dean of St. Patrick's, Dublin, showing that:—

His deanery is in ruins and his stipend fallen too low to enable him to rebuild it.

He prays for a grant of the arrears of rents and profits of the Dean and Dean and Chapter of St. Patrick's and of the Treasurer of Christchurch, Dublin, the lands, tenements and tithes whereof were granted to several persons in trust for the use of Trinity College, Dublin, and other uses by the late usurper. Some of these rents and profits are yet, &c. [*see the facts* set out in the grant of this date *above p.* 42]. *P.* ½. *Ibid.* 233.

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30 April. Three drafts of the King's letters in favour of the Marquis of Antrim, *for which see above p.* 69. *P.* ¾ *endd. and p.* ¾ *and p.* ½ *endd. The last two on one sheet. S.P. Ireland* 317, 234 *and* 235.

About July. COPY of PETITION to the KING of JAMES SHORTAILE [or SHORTALL], showing that:—

Some of your petititioner's friends, considering the miserable condition of your petitioner and the shortness of the time for entering of claims, although they had no evidences of your petitioner's in their hands, put in before the Commissioners of Claims a claim on behalf of your petitioner which is consistent with the condition of his estate.

The estate to which he pretends was given to his ancestors for service done to the Crown of England. For that [wherefore], and as petitioner is young and has been hitherto ignorant of his title, he prays for leave to enter a new claim. *P.* ½. *Endd. Ibid.* 236.[1]

[About 3 Aug.] DRAFT of [the KING to the LORD LIEUTENANT or LORD DEPUTY] for RICHARD, EARL OF ARRAN.

Directing that he be sworn of the Privy Council of Ireland. *P.* ½, *with a note* (dealing with a different matter), dated 3 August, 1663. *Ibid.* 237.

15 Aug. DRAFT of the KING to the LORD LIEUTENANT for MICHAEL JANS, of Dublin, and FRANCIS, his wife.

See the grant of this date *above p.* 204. *P.* ⅓. *Endd. Ibid.* 238.

SAME to SAME and others for SIR HENRY O'NEILE.

By many former letters we have expressed our inclination effectually to provide for our trusty and well deserving subject, Sir Henry O'Neile. Finding that the proviso on behalf of Lord Massereene (who enjoys Sir Henry's estate) is adjudged by you to continue in possession thereof until reprized and that Sir Henry for his present subsistence shall have the benefit of those lands so designed for the reprisal of the said Massereene which were mentioned by the Act of Settlement to be given him out of such forfeited lands as are within the co. Dublin, we direct you to grant forthwith to Sir Henry O'Neile a *custodiam* of so many of the forfeited or reputed forfeited lands in the co. Dublin as may be worth £1,000 a year, to be enjoyed peaceably by him and his heirs

(1) *See above p.* 201.

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and assigns until such time as he be restored to and peaceably possessed of his ancient estate. To the end Sir Henry may have the benefit of our intentions, we declare any *custodium* of forfeited or reputed forfeited lands in the co. Dublin set to the "Bishop" of Dublin or any other person, during our pleasure, to be void. In the event of any of the ancient proprietors in the co. Dublin being restored to the lands given to O'Niele, you shall give him reprisals either in that county, or, failing that, in some adjacent county. *Pp.* 1½. Dated , 1663. *Add. S.P. Ireland* 317, 239.

About end. JOHN, LORD BERKELEY, to SECRETARY BENNET.

Recommends Samuel Bathurst, the postmaster of Ireland, who has done good service. [*Apparently* accompanying Bathurst when he is going to England.] *P.* 1. *Signed. Add. Endd. Ibid.* 240.

About same. COPY of PETITION to the KING of his innocent Subjects who have been dispossessed of their estates by the late usurped powers, showing that:—

The King's Declaration promised that all innocents should be restored. Eight thousand or more applications were thereupon lodged with the Court of Claims. Of these only about 1,000 have been heard, and many of the applicants whose cases have not been heard are people who were widows, infants, or orphans when the rebellion broke out. If they could be heard they would be found innocent.

The innocent persons who were transplanted to Connaught for their religion only were, according to the fundamental promise of the Act of Settlement, entitled to restoration. They have, however, been prevented from getting a hearing by the arrival of letters from the King which directed that the cases of those who took no land in Connaught should be first heard.

The Act of Settlement and Act of Periods provided that twelve months should be given to the hearing of innocents' cases, but only seven months have been spent on these cases and the petitioners have lost the benefit of the other five months. They feel sure that the King will provide some remedy to meet the case of those innocents who have not yet been heard.

In many cases applicants who have got decrees for restoration are refused admission by those in possession of the lands to which they are restored. In others the persons expelled threatened to upset the order of restoration by putting in exceptions against them before the King.

The petitioners pray that if any such notices be put in they may have an opportunity of defending themselves. *Pp.* 1½. *Endd. Ibid.* 241.

1664.

Before 28 Jan.[1] COPY of PETITION of PATRICK ARCHER to the KING, showing that:—

Sets out the facts as stated in the King's letter for Archer [*above p.* 358]. Not having been paid, petitioner cannot go on with his trade and is reduced to great poverty.

He asks for a charge on the rent for the farm of the customs for the sum of £6,200 odd which is owing to him. *P.* ½. *Endd. S.P. Ireland* 317, 242.

General date 5 March. DOCUMENTS RELATING TO THE CASE OF PHELEMY MAGENIS.

Copy of the Warrant of this date in favour of Phelemy Magenis [*for which see above p.* 373].

P. 1, *examined by* Mathew Johnson on 29 March, 1664. *Endd. S.P. Ireland* 317, 243.

Also note of same, dated [by mistake?] March 6, 166⅘ [*i.e.* 1665]. *S.P. Ireland* 318, *p.* 84.

Report by Sir Geoffrey Palmer on Magenis' case.

I find that the title to the petitioner's lands is as set forth in their petition. They were adjudged innocent Papists by the Commissioners of Settlement, as the annexed certificate shows. The Commissioners overruled the allegation that the petitioner [Phelemy] had by his rebellion forfeited his estate by virtue of a proviso in the patent made to his father in 1610.

Your Majesty may grant the petition, and restore the petitioners to their lands as held by former conveyances, with a pardon of all forfeitures within the said proviso and clauses of restitution; and with the other details prayed for in the petition. *P.* ½. *A verified copy dated* 27 January. *S.P. Ireland* 317, 244. *Annexing—*

Copy of Report by Sir Richard Rainsford and Sir Thomas Beverley on Magenis' Case.

Upon hearing the claim of Phelemy Magenis and Ever his son in the Court of Claims in Ireland, the lands claimed in his petition were decreed to him and his son according to the limitations, &c., in a conveyance made by Ever, father of Phelemy, in 1634, *i.e. to the use of Ever (now deceased) for life with remainder to Phelemy for life, remainder to Phelemy's heirs male. The claimants were both found innocent persons and not engaged in the late rebellion.*

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(1) *See above at p.* 358.

1664.

Sets out other facts *as stated in Sir Geoffrey Palmer's report above. There was no evidence of the petitioners having been in rebellion but allegation at the bar. Pp.* 4. *Copy certified by Joseph Williamson. P.* ¾. *S.P. Ireland* 317, 244, 1.

This concludes the documents relating to this case.

14 March. Worcester House. ORDER of the ENGLISH PRIVY COUNCIL.

Present:—
The King's most Excellent Majesty.
His Highness Prince Rupert.
The Archbishop of Canterbury, the Lord Chancellor and eighteen other members.

Sir Henry O'Neill's[1] petition was read, showing that his estate had been seized for his loyalty to the King and given to Viscount Mazareine, who still enjoys it, and asking for a clause in the Bill of Settlement for his restoration. The King expressed himself grateful for Sir Henry's services, and much commiserated this hard measure he had undergone. He declared and gave order that O'Neill should be restored either by a clause in the Explanatory Bill or by inserting his name in the list of persons who should be restored by the King's special favour. *P.* 1. *Signed by* John Nicholas. *Endd. S.P. Ireland* 317, 245.

[About May.] DRAFT of the KING to the LORD LIEUTENANT.

Directing him to come to England and to appoint a deputy for the Government of Ireland in his absence. Recites the date of his appointment as Lord Lieutenant as 21 February, 1662. *Two copies. Each p.* 1 *and endd. Ibid.* 246 *and* 247.

[About June.] COPY of PETITION of SIR GEORGE LANE to the KING, showing that:—

Contrary to the rules of the Act of Settlement for receiving, &c., of claims, contrary to the settled rules of procedure published by the Commissioners, contrary to the judgment of law upon the proofs alleged, and against the agreement of Philip Hore voluntarily consented to before any hearing, petitioner is likely to be disinherited of lands settled on him by Act of Parliament.

He prays for a hearing of this cause at the Council table, and for such relief in the Act now under consideration as the King may deem meet. *P.* ½. *Endd. Ibid.* 248.

[About same.] NOTES of the Arguments of Counsel [before the KING in Council] on the question of the [validity of] the decrees of the COMMISSIONERS of SETTLEMENT [after July, 1663].

Mr. Aloff [?]

All the cases instanced are [?] misapplied.

(1) The name is of course spelt in many different ways. The calendar follows the text in each case.

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Appeals may be made, and were made, by the Lord Chancellor, though the same Court cannot admit it. If otherwise, a privilege given [to] Commissioners that no judge has in West[minister] Hall.

The great objection is from the time it will take up. In [? certain] decree[s] only we attempt the revocation.

The appeal properly lies to [?] your Majesty [?].

Acts of Parliament in Ireland not so passed [*i.e.* without appeal to England].

A bill [is] now depending [*i.e.* for assent of the English Privy Council]. Your Majesty finding the judges have mistaken [they] may in this act be reversed.

Case [cited] of the Stannaries when lost by . . . . . by appeal to the D[uke] of Cornwall. The Commissioners were evenly divided three and three; but the senior declared himself satisfied on the matter of fact but overbalanced by the King's letter.

Mr. Montagu,

A decree made by Act of Parliament not to be questioned.

The decree made conclusive because no appeal appointed [by the Act].

Not to be re-examined because given by a decree warranted by an Act of Parliament. [Such a decree is] not reversible but in Parliament; especially when the Act says it shall be final.

From the inconveniences, your way of doing it not practical. The same witnesses attend. None but them examined *viva voce*.

Sir R. Atkins.

The judgment is final, not allowing an appeal.

The decree not only founded upon the King's letter, but upon other proofs.

They must be secured against future fears.

Other details. P. ⅔. *Notes rapidly taken down, and not easily legible. Endd. S.P. Ireland* 317, 249.

[About 1664.] RALPH FFOLLIOTT to LORD [ARLINGTON].

Asks for a few lines to the Lord Deputy touching the passing of letters for a small employment in his favour. Was told by Lord [Arlington] to remind him of it. Apologises for giving trouble. *P.* ½. *Endd.* "Monsr. Foliot." *Signed and followed by a note as follows*:—

Thomas Tucker (who is now dead) was surveyor of the imported and exported excise in Ireland, and the perquisites thereunto belonging.

The salary was £200 a year payable out of the excise and customs.

The persons named to be in the patent: James Connor and William Shaw. *P.* ½, *attached to foregoing. In all, p.* 1. *Ibid.* 250 *and* 250, 1.

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[About 1664?] Copy of Bond given by John, Lord Kingston, to Sir George Lane.

Whereas the King by letters dated has granted to the above bound Lord Kingston, his heirs and assigns certain lands in the Kingdom of Ireland, the true intent whereof is to settle upon Lord Kingston and his heirs, &c., lands to the present clear yearly value of £700, and other lands of equal value worth and purchase to two-thirds of the lands given up by Lord Kingston on His Majesty's letters and decreed from him by the Commissioners of Settlement in Ireland.

The condition of the above bond[1] is that if Lord Kingston within twelve months of the date of the said letters shall surrender to the King such part of the lands in the said letters as shall appear —upon a valuation to be made within twelve months of the date of the patents—to exceed the said £700 a year and two-thirds of all the lands delivered up by or decreed away from Lord Kingston, and if Lord Kingston shall deliver up such lands to such proprietors of them as the King shall name to be restored in *specie*—if any such there be—by the bill now depending for Ireland, he, the said Lord Kingston, being first satisfied with equivalent lands; then the above written obligation shall be void. Otherwise it shall stand in full force and virtue. *P.* ½. *Endd. S.P. Ireland* 317, 251.

[About same?] The Earl of Orrery to Secretary Bennet.

I know the King has formerly sent orders for Lord Ranelagh's coming over, and believe therefore that His Majesty's direction suspending those orders may be reviewed. The last six lines, too, may rather "encourage him from than any way contribute to the end for which the letter is sent." He was never in the King's service and therefore cannot be said to merit it. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 252.

[About same?] Copy of Petition to the King of Thomas King, showing that:—

Petitioner "suffered £6,000" for his loyalty in the late wars. He served the King for 15 years in Parliament. He has lost much by his loyal service, but has never asked for compensation.

As the King has farmed the revenue of Ireland, and several persons are to be employed in his behalf as Commissioners, and as he has passed his life in business and understands accounts, he prays that he may be appointed a Commissioner in the farm of Ireland to act as Commissioner of inspection or supervisor of the farmers or in the affairs of the King's Treasury. *P.* 1. *Endd. Ibid.* 253.

[About same?] Same to Same of those whose fathers or themselves have been decreed Nocent in the Court of Claims, showing that:—

Several of them have been decreed nocent by the Court of Claims in consequence of evidence given by witnesses who were bribed to

(1) The document is headed with the usual form, in Latin, of a bond for £E 5,000 between the parties.

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perjure themselves "the proof of which subornation and perjury will be made evident when it shall appear how frequently such subornations were made manifest by the confessions in open Court of the parties suborned, when it shall be made out how those who possess the estates of innocents in Ireland have in several places near the said Court a stock of witnesses still at hand who made sale of their testimony on all occasions; and when it shall also be made manifest how some of those who deposed in the causes wherein the petitioners were decreed nocents have after declared how much they repented that they had perjured themselves."

Petitioners can prove these subornations by many witnesses, and can also prove their own and their ancestors' innocence.

They pray that if other decrees be reviewed, the decrees of nocency be reviewed also, and that they may be allowed to prove the above charges, and that a time be prefixed for their hearing, so that those who possess their estates may make answer. *P.* 1. *Endd. S.P. Ireland* 317, 254.

[About same?] DRAFT of the KING to the LORD LIEUTENANT for SIR WILLIAM BLAKESTON.

Recommends Sir William to the Lord Lieutenant for his "best assistance." He is to be considered as one whom the King is very anxious to benefit. *P.* ½. *Endd. Ibid.* 255.

[About same?] NOTE [apparently of an argument in Court].

L. Brien. The lease is certainly not good in ——— unless the Lord Thomand had some particular power to make leases in reversion as well as in possession. This may be, though it is unusual. It is not, says Mr. Attorney. *Other details.* He was of counsel in all these settlements and remembers nothing of it. *P.* ¼, *partly illegible. Endd. with irrelevant notes. Ibid.* 256.

[About same?] COPY of PETITION to the KING of CAPTAIN JAMES DEVIN, showing that:—

Petitioner was granted by the King, soon after his arrival in England, the office of Seal Master of Leather in Ulster in consideration of his sufferings for and service done to the King as well at home as abroad. The warrant being lost, he has retarded his prosecution of the King's favour in the hope to find it. He prays that the King will issue a new warrant in order that he may receive the benefit of his former favour. *P.* ½. *Endd. Ibid.* 257.

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[About same?] COPY of PETITION to the KING of CECILL, ELIZABETH and MARY, daughters of SIR INGILBY DANIEL, of Beswicke, co. York, deceased, showing that:—

The petitioners' father was possessed of a plentiful personal estate to the value of £5,000 or thereabouts in 1641, and had no other way to raise portions for the petitioners. He was forced from his house and remained in York till the surrender. His personal estate was seized by one William Cuthbert, now a prisoner in Dublin Castle for action in the murder of the late King, who has "accrued" a plentiful estate by the ruin of the petitioners. Their father died in 1645, and was not able to leave them anything for their portions. Their eldest brother had a severe sequestration upon the land which fell to him by his father's decease. This continued till 1653 when he was forced to redeem it out of the Bill of Sale at six years' purchase.

Their brother died in 1657, leaving several children, but nothing at all for the maintenance of the petitioners.

They pray for the King's compassion and for a grant to them of any small subsistence either out of the estate of the said William Cuthbert or [in] any other way as your Majesty's great wisdom shall see fit. *P.* ½. *S.P. Ireland* 317, 258.

[About same?] COPY of FURTHER PETITION of the SAME, showing that:—

Their father's personal estate was £6,000 and intended for their portions. Cuthbert, who robbed them of it, was the principal witness at the trial of the late King. Their eldest brother died two years since.[1] The petitioners hoped to be relieved out of the plentiful estate of William Cuthbert which he left in Ireland, and obtained there by the ruin of the petitioners. They presented a petition to the King to that purpose. The King's Act of Oblivion[2] has confirmed Cuthbert in his unjust possessions and left petitioners absolutely destitute of relief other than their hopes in the King's clemency. As other places of advantage in Ireland have been given away, they pray for the sole right to transport wool from Ireland to the "dominions of Jarsey and Garnsey" according to the statute[3] to that purpose. *P.* ½. *Ibid.* 259.

[About same?] PETITION to the KING of JEREMY DONOVAN, showing that:—

He has always been loyal to the King and served faithfully in Ireland, as will appear by a certificate, annexed, of the Earl of Drogheda. In January, 1659-[60], petitioner enlisted himself and provided horses and arms for himself and a man in order to

(1) *See foregoing*, apparently showing that the date of this petition is about 1659. But it must be later.
(2) Of 1660.
(3) Probably 14 Car. II. Cap. 18. (1662).

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promote the cause of the Restoration. He helped to take Dublin Castle when Sir Hardress Waller held it for the Rump Parliament, and afterwards served sixteen months without pay, as will appear by a certificate annexed. He has also had several licences from the Duke of Albemarle, one of which is annexed. In June, 1663, petitioner, upon his claim before the Commissioners of the Court of Claims in Ireland, was declared an innocent Protestant and restored to his estate [which had been] sequestered to the usurper for petitioner's and his father's loyalty. Several of petitioner's uncles and cousins german were slain under the King's commissioned officers. One of them was slain at the siege of Dublin, being a captain in the King's army, as by the certificate of Lord Inchiquin, which is annexed, appears.

Petitioner is actually possessed of the undernamed towns and lands as his own right, vizt., the three ploughlands of Kilmacabea, known by the names of Millenlehan [Mullinlehan*] *alias* Millenbehan, Cahirconway, Derrykesoge *alias* Derrycresoge, Guornadogh *alias* Gortinadooig [Gorteenadoeey*], Tonebrack [Tombrack*], Knockanacrony *alias* Knockanacrohy [Knockanacohig] and Cahirnabologie [and] Carrigcarhen, containing 700 acres, also the town and lands of the Leape *alias* Donovan's Leape, containing 20 acres, part of Brulea [Brookville*], containing 50 acres, the ploughland of Knockskagh containing 160 [?] acres, the four ploughlands of Cullrane, Madranagh [Madranna], and Ballyroe, containing 660 acres, and the lands of Kilgleeny [Carrigeny*], containing 300 acres, all being in the barony of Carbry, co. Cork.

It will much improve the said estate to have it made into an entire manor, and the Protestants at the town of the Leap or Donovan's Leap (of whom there were several before the rebellion, and more are come), greatly desire the convenience of fairs and markets.

Petitioner prays that he may be permitted to form all his lands into one manor, called the manor of Donovansleap, and may have two fairs, on 10 August and 24 August, and a weekly fair, with all the privileges belonging to fairs and markets. *P.* 1. *Endd. S.P. Ireland* 317, 260, *with which is*—

CERTIFICATE by the EARL OF DROGHEDA.

Jeremy Donovan has served faithfully in my troop and is anxious to have the benefit of the order which the Lords Justices of Ireland issued to the Commissaries of the Musters setting forth that all such soldiers that are now in His Majesty's service in Ireland and are willing to quit the army and sit down and plant, and all such as embrace the benefit of the said orders, should have their arrears satisfied to them with the standing army. He has a charge and is willing to sit down and plant. I therefore certify that he is dismissed from my troop. *P.* 1. *Signed.* Dated 10 March, 166½. *Endd. Ibid.* 260, 1.

* Kindly sent me by Mr. W. H. G. Flood.

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[About same?] The STATE of the CASE of the Protestant Commissioned OFFICERS who served in IRELAND before 5 June, 1649.

As to their interest in the houses of innocents not restored in the several Corporations, and [in] the baronies of Barrymore and Muskerry as reprizes for such houses of innocents as are or shall be restored, the case of these officers is as follows :—

The Act of Settlement gives to the 1649 officers, as part of their security, the houses and tenements forfeited in Ireland in the several walled towns. The word "forfeited" is not to be understood there in the strict and legal sense which is outlawry or other attainder, but is to be understood as forfeitable or under the notion of forfeited, being seized or sequestered in respect of a supposed forfeiture. For, if nothing should be given by the said Act to them or others but only such things as are legally forfeited, little or nothing would be given but the estates of those who were attainted as by the outlawry, &c. If that should be the construction then the nocency of a Papist would not in any case entitle a '49 officer to his estate, unless such nocency were grounded upon an outlawry, &c. It may easily be imagined how far such a constitution would "invalid" the act not only in its provision for the '49 officers, but in securing the corporations to His Majesty's service—the principal intent of the Act.

It is evident from *folio* 18[1] of the Act that all Papists, whether nocent or innocent are meant to be excluded from corporations. The proviso at the end of the clause makes this more clear, for *Exceptio probat regulum*.

The King may restore if he pleases, but is not enjoined to do so. Unless he do so restore them, they are excluded from the towns whether they be innocent or not, so that the innocent *quoad hoc* is looked on as one that has actually forfeited. Then certainly his estate is to the '49 officers both by the letter and intention of the Act.

By the *folio* 63 of the Act there is an enumeration of some cases concerning innocent Papists' estates falling within the security of the 1649 officers, where any such person shall be restored. This seems to be a judgment of the Parliament itself that the estate of innocent Papists is part of the '49 security. For the reprisal comes in lieu of the former estate, and it is not to be imagined that the Parliament would give a reprize where they had not given the first estate. This may be further enforced from *folio* 77,[2] where the baronies of Barrymore and Muskerry are designed and set apart for that work, only so that, if those Papists be returned and the '49 officers not reprized, then are those baronies not disposed by the Act.

The securing of the cities, corporations, and walled towns will be the greatest security imaginable against another rebellion; therefore those constructions which are most for the security of the nation should be agreed to.

(1) *See* Irish Statutes Vol. 2, *p.* 253.
(2) *Ibid. p.* 272.

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By *folio* 18 the baronies of Barrymore and Muskerry are solely designed and particularly appropriated to the reprisals of the inhabitants of Cork, Youghal and Kinsale, and so cannot legally be disposed of any other way than the Act directs; for the lands are vested in the King to be disposed of to such uses as by the Act is declared, so that, until those uses are satisfied, they cannot be disposed of in any other manner. By *folio* 77 of the Act, where liberty is given to restore the Papists, the benefit of the grant [of the baronies aforesaid] is transferred to the '49 officers in case of restitution of those [*i.e.* innocent Papists, to] the said towns. Those baronies therefore do wholly belong to the '49 officers to make up their reprisals in the same manner as they did belong to the inhabitants of the said towns; and it will be very hard if reprizes that are not, by the Act, confined to particular places should fall short, to entrench upon those places that are particularly designed for a certain use—especially such as must be deficient if the places designed be not of ability to supply them. Nor has there yet been any such invasion made on any places that by the act have been appropriated to particular things and uses. *Pp.* 2. *Endd. S.P. Ireland* 317, 261.

[About same?] Draft of the King to the Lord Lieutenant for Henry Lumley and William Wogan.

Authorising the passing of patents appointing them customers and collectors of Londonderry and Strangford, and of the creeks thereunto belonging, with fees and privileges pertaining to the office. They shall hold for their lives and for the life of the longer liver of them and their tenure shall commence either immediately, if the office be void, or, if not, at the death of the present holder. They shall have the right to appoint deputies and shall hold the office in as full and ample a manner as it has been held in the past. *Pp.* 1½. *Endd. Ibid.* 262.

[About same?] Petition of George Fane to the King, showing that:—

Petitioner is informed that the office of Clerk of the Crown and "Hamper" in Ireland is vacant. He prays that it may be bestowed on him. *P.* 1. *Signed. Ibid.* 263.

[About same?] Copy of Same of Margerie, relict of Roger Ferrall, late of Barry, co. Longford, showing that:—

Petitioner's husband died about eleven years ago seized in his demesne as of fee simple of Barry and Toome, containing about 1,000 acres of land in the co. Longford. By his death these lands descend to petitioner's daughter by her deceased husband. The deceased took no part in the late war in Ireland; but petitioner

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and her daughter were dispossessed of their estate and dower by the late violent powers. They received no lands in Connaught and have been brought to the extremity of want.

As they are moreover innocent Papists according to the late Declaration, she prays that she and her daughter be restored. *P.* ½. *Endd. S.P. Ireland* 317, 264.

PETITION to the KING of "FRANCIS" CLEMENT, one of the daughters of SIR JOHN SEDLEY, Kt., showing that:—

Petitioner "being young was drawn without consulting her parents into a rash marriage with the eldest son of Gregory Clement," whose estate, including £1,000 personal estate, he being one of the late King's unjust judges, is confiscated; and he himself both condemned and executed.

Petitioner's husband, being desperate under his burthens, left petitioner and her poor infant without maintenance or provision. Her father, who is well known for his loyalty in his country, "for her inconsiderate marriage into a traitorous family denies her all relief and succour."

There are now in the hands of John Warren, Francis Page, and Hugh Flattery lands parcel of the barony of Garrycastle in the King's Co. in Ireland, which yield the yearly rent of £100 and in the hands of Mathew Crouch and Richard Whitall two houses at the Iron Gate on the Tower Wharf in London, which yield the yearly rent of £45—in which there is only sixteen years of a lease to come.

All these were legally bought by Gregory Clement.

She humbly prays for these houses and lands (which were appointed for her jointure) to be a livelihood for her and her poor infant. *P.* 1. *Signed. Endd. Ibid.* 265.

COPY of PETITION of DANIEL COGHLAN to the KING, showing that:—

Petitioner has for thirty years been a loyal servant to King Charles I and the Duke of York. At St. Germains the King promised petitioner that he should have what his father, grandfather, and late predecessors enjoyed in Ireland, being the castle, town, mills and one ploughland of Clunona [Clonony], the ploughland of Moysten [Moystown?], and the town and lands of Thessaran [Tisaran], lying in the barony of Garrycastle in King's County. These lands, upon the late planting in Ireland, more than thirty years ago when Sir Oliver St. John was Lord Deputy, were conferred upon Sir Mathew Derensie, a German, who had no legal right nor title thereunto. He was succeeded by his son Mathew who, being one of Cromwell's party, was killed in actual rebellion against the King. As this Mathew left no issue his lands fell in to the Crown.

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Petitioner prays for a grant of the premises, which are not above £40 a year in value, and likewise the town and lands of Tinacrossy and the rest of Derensie's estate in Ireland, which is not worth above £50 a year. Asks for patents. *P.* ½. *Endd. S.P. Ireland* 317, 266.

Copy of Petition of Frances, widow of John Cooke, to the King, showing that:—

Petitioner's husband, in consideration of her marriage portion, part whereof was then received, engaged to settle an estate upon feoffees in trust for your petitioner to raise £2,000 for the use and maintenance of the petitioner and her children in case she should survive him. Petitioner married him in 1645, three years before her husband took any part in public affairs. Part of petitioner's portion was kept in the hands of some of her friends till such settlement should be perfected.

In 1655 petitioner's husband settled for 99 years several lands in Ireland upon trustees accordingly, some of which were purchased by petitioner in her husband's name, and with part of her portion, and then received the remainder of her portion.

Not only the lands so settled, but the stock bought by petitioner with her own money, are seized upon in Ireland and thereby petitioner and her child exposed to great hardship.

She prays that she may be allowed to enjoy the said estate according to the intention of the said deed, or may have the £2,000 according to the engagement made to her on her marriage. *P.* 1. *Ibid.* 267.

Copy of Petition to the King of Captain George Cressy and Hugh Cressy, sons of Justice Cressy, deceased.

Petitioners' father served the Crown loyally as second judge of the King's Bench in Ireland, till forced to leave Ireland owing to the rebellion. He was never paid any salary for his service either before his leaving that country or after, till his death, though he died in commission. He left his arrears to his sons "as the almost only subsistance remaining in his disposal."

They pray for such reasonable allowance as the King thinks fit after examination made therein by such officers as he shall appoint. *P.* ½. *Ibid.* 268.

Copy of Petition of George, Earl of Desmond, to the King, showing that:—

The late King granted petitioner the command of a troop of horse in Ireland, which, by reason of the late horrid rebellion there,

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he could not enjoy. Petitioner was loyal to the late and present King, and prays for a similar command now, promising loyal service. *P.* ½. *S.P. Ireland* 317, 269.

COPY of PETITION to the KING of THOMAS DODINGTON, showing that:—

His family and relations were ruined in their fortunes and estates in and for the King's cause and service. He prays for a grant for life of the office of Examiner in Chancery, Register in Chancery, Collector of the Customs, Chief Searcher of the Customs, or Clerk of the Pipe, Clerk of the Pells, or any of them now void and in the King's hands. *P.* ½. *Ibid.* 270.

SAME of JAMES DEVENISH, showing that:—

Petitioner was a loyal citizen of Dublin, and became indebted to various persons owing to the help which he gave to several supporters of King Charles I. in the late wars both in England and Ireland. He was consequently banished from Dublin by the late usurped power, and could not recover the debts due to him, which, as people about the Court can testify, exceeded the debts he owed. He has a large family and is very poor.

He prays for a grant of protection from arrest, &c., for one year, that he may be able to collect what is due to him and to pay his debts. *P.* ½. *Endd. Ibid.* 271.

SAME of DERMOT DONOVAN, of Killmackabea, co. Cork, showing that:—

At the time of the late rebellion petitioner faithfully adhered to King Charles I., preserved many English and other Protestants from the fury of the Irish rebels at his own charge, kept and relieved them in his own house, and after, with the hazard of his own life, safely conveyed them to the English quarters and garrisons. By reason thereof he was totally robbed and despoiled of his cattle, and other goods to a great value, by the rebels. Moreover, his estate was taken from him (only for being a Papist) and given to Cromwell's adherents.

He prays for a reference to persons "knowing in the affairs of that nation" to the end that the King may give such orders therein as may be agreeable to justice. *P.* ½. *Endd. Ibid.* 272.

SAME of SAMUEL EAMES and EDWARD COOKE, adventurers for lands in Ireland, showing that:—

The petitioners did adventure, and are the assigns of the original adventurers whose names are hereunto subscribed. They

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subscribed and paid according to the propositions made by Acts of Parliament in the 17th and 18th years of Charles I. £1,840, for which land was set out to them in Leinster and Munster according to their respective certificates, 3,734*a.* 3*r.* 9*p.* of profitable lands, Irish measure. By the decrees of the late Court of Claims the greatest part of petitioners' lands were restored to innocent Protestants and others, so that they have no more remaining but 1,664*a.* 1*r.* 3*p.* and are deficient in the remainder.

They pray for a grant of land in the same provinces equal to what they have lost by the decisions of the Court of Claims.

Their adventurers are:—

Samuel Eames himself - - - - -	£600
,, ,, as assignee to Robert Norman -	£200
,, ,, ,, Thomas Clay - -	£100
,, ,, ,, William Avery -	£350
	£1,250
Edward Cooke as assignee to Elizabeth Cooke -	£100
,, ,, ,, Josia Tunbridge -	£100
,, ,, ,, Thomas Lyon - -	£50
,, ,, ,, Henry Langham -	£340
	£590

P. 1. *Endd. S.P. Ireland* 317, 273.

Copy of Petition of John Dunbarr to the King, showing that:—

King James I., in recognition of the loyalty of the petitioner's grandfather, Sir John Dunbarr, granted him and to others entrusted for him, the small proportion of Dromcroe [Drumcrow] and other lands in the co. Fermanagh with a proviso that if any of them should be demised or aliened to any of the mere Irish or other persons who had not taken the oath of supremacy for one year before, then the said letters patents should be void and of no effect.

Petitioner prays that in recognition of his services and of those of his father, Major John Dunbarr, who served at Worcester and elsewhere, the said proportion of Dromcroe and other lands in Fermanagh of which he is in possession may be granted to him. He will by such grant be better able to enjoy and improve these lands, which, "lying in a mountainous country, few English can be persuaded to dwell there; and if your petitioner have not the benefit of letting the said lands to the Irish, much of the advantage thereof must unavoidably be lost." The late King granted this benefit to several persons and the benefit so granted was confirmed by Act of Parliament. *P.* ½. *Endd. Ibid.* 274.

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COPY of PETITION to the KING of AUGUSTIN COSTIGIN, showing that:—

Petitioner's father, Florence Costigin, was but ten years of age in the beginning of the rebellion in Ireland and never in arms, but under the Duke of Ormond's command. Florence claimed to be restored as an innocent person; but, owing to evidence produced by the present occupiers of the said estate, his father's claim was dismissed and [he] thereby not only destroyed but also your poor petitioner, [who is] but seven years of age.

He prays for the King's direction to the Commissioners to receive his and his father's claims. *P.* ½. *Endd. S.P. Ireland* 317, 275.

SAME of ROBERT FITZREVY, of Collatrath [Coolatrath], co. Dublin, showing that:—

Petitioner's father died above five and twenty years ago and petitioner at the beginning of the rebellion in Ireland was not full eleven years of age.

About the year 1652, when the nation in general submitted to the prevailing power of Cromwell, the petitioner, who had never acted anything against the King, left Ireland and served His Majesty at sea. He is heir by right of inheritance to several lands in the co. Dublin and one house in the said city, of all of which he has been "injuriously deprived" by the late power. He continued at sea till the Restoration.

As the estate, being in the co. Dublin, is not disposed of to adventurers or soldiers he prays for restoration. *P.* ½. *Endd. Ibid.* 276.

SAME of ANDREW FISHER, son of SIR EDWARD FISHER, of Mickleton in Gloucestershire, showing that:—

Petitioner's father and himself have been great sufferers by plunderings sequestrations and imprisonments for their loyalty to the late King and his present Majesty, to the undoing of the petitioner.

He prays for a grant for 60 years of the King's ferry of Porterdown [Portadown], co. Armagh, at the usual rent of £4 *per annum*. *P.* ½. *Signed. Ibid.* 277.

SAME of RICHARD FLOOD, showing that:—

Petitioner served the late King under Lord Capel in the fortifications of the garrison of Shrewsbury when his lordship was chief Governor there, and also in Ireland, where petitioner now lives. He has suffered and grown old. He prays for the reversion of the craner's office in the city of Dublin. *P.* ½. *Endd. Ibid.* 278.

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COPY of PETITION to the KING of JANE DEVEREUX, *alias* LOFTUS, relict of NICHOLAS DEVEREUX, of Balmagir [Richfield], co. Wexford, showing that:—

Petitioner, living remote from Dublin, was constrained to trust to agents and counsel to draw up and put in her claim before the Commissioners of Claims. They neglected to do this until the time was gone by, whereby your petitioner is likely to be ruined, unless by your Majesty's favour she may obtain a remedy herein.

She has for the support of herself and her four small children only the jointure she claims, and prays that the Commissioners be directed to receive any claim which she puts in within four months. *P.* ½. *Endd. S.P. Ireland* 317, 279.

SAME of SIR JAMES DILLON, SIR NICHOLAS ARMORER and SOMERFORD OLDFIELD, ESQUIRE, showing that:—

Some propositions have lately been made to the King by James Stanfart and Charles Gifford, Esqs., for the making of a certain fuel conceived to be of very great benefit and advantage to the kingdom of England, the experiment whereof the King has referred to certain Lords of the Privy Council.

They pray that, if these lords should approve this fuel, the King will admit the benefit thereof to Ireland and grant the [sole making of the] same to the petitioners, who wish to introduce the fuel into that country. *P.* ½. *Endd. Ibid.* 280.

SAME of HENRY, EARL OF DOVER, showing that:—

Upon a former petition, annexed to the report of the Duke of Ormond, the King, in recognition of petitioner's services and sufferings, granted him a commission to discover all the concealed lands which by fraud, deceit, or undue admeasurement were in the hands of adventurers or soldiers in Ireland. The King made a special reservation of such lands in the Declaration [of November, 1660], and also the arrears and profits unto the time of such inquisition of such lands as should be found due to the Crown, with power to sue for and recover the same, &c. Petitioner was to have a fourth part of these discoveries for 31 years at a small rent, with such covenants and reservations as seemed requisite to the Lord Lieutenant and Council of Ireland. As the petitioner has made a great progress and scrutiny into the said concealments by agents all over the kingdom and has been at great expense in prosecution thereof, thereby to increase the King's stock of lands for reprisals:

He prays for such provision for himself in the Settlement[1] of Ireland which is now being planned that he be not disappointed of

[1] Possibly refers to the Act of 1662, but there are many references in similar terms in documents which are so dated that they must refer to the Act of 1665.

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those graces intended to him by the King, or suffer for his forwardness in the King's service. *P.* ½. *Endd. S.P. Ireland* 317, 281.

PETITION to the KING of CAPTAIN THOMAS ROWE and LIEUTENANT RICHARD NEVELL or NEVETT,[1] showing that:—

The petitioner has been graciously pleased to grant to Richard Nevell a patent under the Great Seal of England to be his groom porter of Ireland. Nevell being unable to carry on that business in regard of the great charge which attends it, has sold his interest in it to Captain Rowe.

They pray that the office be granted to Rowe for three lives, as has been done in the case of groom porter in England. *P.* 1. *Signed by the petitioners. Endd. Ibid.* 282.

Also similar petition, in form by Captain Rowe alone, but signed by both Nevett and Rowe. *P.* ½. *Endd. Ibid.* 283.

COPY of SAME of DON BERNARDO CORCRAN, "Irish gentleman of the co. Cavan in the country of Orely, called Breni[?] O'Rely in the North of Ireland," showing that:—

In the wars of Queen Elizabeth against the Earl of Tyrone, Mr. Barnaby Corcran, father of the said Don Bernardo Corcran, took part with Tyrone, but was pardoned, with the Earl and his confederates, by the Queen; and the pardon afterwards confirmed by King James. In the year '9 [1609] there came a plantation against those of the North of Ireland and against those of the County of Cavan alleging that the said pardon was only for their lives and not for their lands, because they did not plead it publicly in Council and in Parliament. Don Bernardo was then an infant and not of an age to plead for any such thing, and his father was dead. Nevertheless his lands were confiscated and given to one Mr. Waldrom, and were now, in the last war, given by Cromwell to one of his "rebels and followers."

It is to be understood that Don Bernardo has served for 45 years the Archduke Albertus and the Infanta of Spain "in this Court of Brussels." He prays for restoration to his lands in Cavan called Farnan [Farnham]. *P.* 1. *Endd. Ibid.* 284.

SAME of DENNIS CONNER, showing that:—

The place of Surveyor of Excise in Ireland is vacant by the death of Thomas Tucker, the King's late Surveyor there. Petitioner has served the King both beyond the seas and since his Restoration. He prays for a grant of the post. *P.* ⅔. *Endd. Ibid.* 285.

(1) Signs himself "Nevell," but name spelt "Nevett" in the body of petition.

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DRAFT of the KING to the LORD DEPUTY for KATHRINE KING and others.

Kathrine King, Patrick Scurlocke of Rathcredan, James Aylmer and Jane, his wife, all innocent persons, petition us showing that they have a just title to divers lands, &c., in co. Dublin by virtue of a remainder limited by old George King, deceased, to the three daughters of his son, John King, and their heirs, or the heirs of their bodies, after failure of the issue male of the said George King. Such issue failed and the remainder should take effect in present possession.

The petitioners, Kathrine being the daughter of George [?John] King and Patrick and Jane deriving as heirs to the other two daughters, owing to bad advice and negligence by those whom they instructed, did not put in their claims in time, and they are like to be disinherited.

You shall hear any claim they may put in with you before expiry of the period for trying innocents. *P.* 1. *Endd. S.P. Ireland* 317, 286.

SAME to SAME.

Several persons, whose names are in the enclosed list signed by Secretary Bennet, did not put in claims under their own names, under the Act of Settlement, but claims were put [in for them] in the names of others without authority from the claimant [*sic*], who was out of Ireland at the time of putting in such claims and now disavows them. The Act of Settlement provides (*p.* 61) that after the time therein mentioned no claim be received except by our own special order in such exceptional cases as we please to favour and where justice requires it.[1] We hereby make such order in favour of those in the enclosed list. *P.* ¾. *Endd. Ibid* 287.

END OF S.P. IRELAND 317.

[1] *See Statutes at Large* [*I.*] *II.* 291, at section 85 of the "Instructions" incorporated in the Act of Settlement of 1662.

1665.

General date 2 Jan.

DOCUMENTS RELATING TO THE CASE OF CAPTAIN WILLIAM ROSS OR ROSSE.

The state of the case between Captain Rosse and Mrs. Dent concerning his *custodium*.

There is a discovery of lands made by Captain William Rosse in the barony of West Carbery, co. Cork, and upon such discovery the possessors of the lands turned tenants to the said Captain Rosse, who by virtue of the Lords Justices' order had a *custodium* of the said lands for two years, vizt. from 1661 to 1663, the first year at the rent of £10 sterling, the last at £15.

In the year '62 Dent, procuring a *custodium* of lands in co. Cork, included in his *custodium* certain of the lands which were in Captain Rosse's *custodium*, and, at his going into the country, troubled the tenants for possession. Captain Rosse then appealed to the House of Commons in Ireland to preserve his possession and privilege as a member of the House. The House ordered Dent to appear before them, but on the day on which he was to have come to the Bar to receive his punishment he caused several of his friends [to] deal with Captain Rosse, that he should pass by the offence. He expressed his regret and acknowledged his offence under his hand and seal, and waiving all claim of the lands, took a lease of them from Captain Rosse, promising under a bond in £1,000 to pay his rent punctually and never claim the lands otherwise than as a tenant.

When Dent died his widow petitioned the King for a *custodium* of the lands during his pleasure. The Lord Deputy referred her petition to the Lord Chief Baron, "who finding Captain Rosse's *custodium* out[1] in May last," and she having the Bishop of Cork for her solicitor (who was to have part of the land if carried by her) was ready to comply with her desires. Captain Rosse's agent found this out and told the Lord Lieutenant, and the *custodium* to Dent was stopped, and so remains, at the Exchequer. The Lord Lieutenant, having been moved in the matter by the Earl of Anglesey and others, is willing that Rosse should continue tenant of these lands.

The King's pleasure must be now made known as to whether Captain Rosse, who has incurred expense and trouble in finding the lands out and has increased the King's revenue by £20 a year, shall have them, or whether they shall go to Mrs. Dent, whose husband would have cheated both the King and Captain Rosse. The Bishop of Cork's importunity should not be preferred to Captain Rosse's just claims, [merely] because his papers cannot be produced till he comes to Ireland. Even if he can "vacuate" Dent's pretensions he cannot get possession unless he has the King's letters for renewing the *custodium* to him or to such other person as the King pleases. *Pp.* 1½. Dated 2 January, 1664[-5]. *Signed by* William Rosse. *Endd.:* "Prayeth the *custodium* may continue until the lands

(1) *i.e.* Expired [?].

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be restored to the proprietors or disposed of towards reprisals which will secure Captain Rosse from further contests of any that would desire a *custodium* thereof in prejudice of his, which the words 'during pleasure' leave latitude to do." *S.P. Ireland* 319, 1.

Draft of the King to the Lord Lieutenant and Deputy for Captain William Rosse.

Captain Rosse has served us well, and incurred expenses in managing the lands aforesaid and in buying the interest of Lord Caulfield and Patrick Taland, who was joined with him in a *custodium* of the said lands this last year. Rosse has likewise since discovered several other portions, vizt. the west half ploughlands of Dunbeacon formerly the property of Dermod Carthy, *alias* Glacke Ardryreinny [*sic*], one ploughland formerly the property of Fyneen Mahowney; Derryfuntin [Derryfunshion], half the property of the said Dermod, and Kilglass half ploughland, belonging to Fyneen MacCormach Carthy. You shall forthwith cause a *custodium* to pass of these lands to Rosse;—those lands formerly discovered under the same rent they were last set for, and those later at the sum of £5. If any of these lands have been granted to any other person whatever since May last, we declare the same void [?] that the lands may return to Captain Rosse, who has deserved our favour, especially by his services during our Restoration. The Lord Chancellor of Ireland shall give him and his executors a lease under our Great Seal for thirty-one years at the rent above expressed, reserving to us power to dispose of the lands to the proprietor if we think fit, subject to compensation to Captain Rosse. You shall treat him in all his other just concerns in Ireland as one to whom we desire to show special favour. *Pp.* 2. *Undated, but about same as foregoing. Endd. Ibid.* 2.

This concludes the documents relating to this case.

4 Jan. Lis[burn].

Major George Rawdon to Viscount Conway and Killulta.

On the second I received letters from yourself (of December 20), the Duke of Albemarle and others. The last brought over the news of "the great loss the English sustained by Ruttier's fleet both by sea and land in the Indyes," and that the French King pretends a right to many of the Dutch ships taken and made prize in England. Also we hear of the "divelish attempt (or design to do it) of the Talbot's against his Grace's person and life (my Lord Lieutenant's). I believe the same spirit runs in the veins of many of their countrymen here, but hope their plots will be disappointed."

We were glad to hear you and your lady are better.

I am glad of the advantages you have got by making the acquaintance of the Archbishop of Canterbury and the other great ministers of State by the favour of the Earl of Orrery.

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George MacCartny has promised to send me a bill for £300 to Dublin and to write to one there to give a bill for it to London, at any easy rate. He hopes to send me £300 more in a few days. Adam [Leathes] has as much or more, and I will as soon as possible get in and send over what your lordship wants. You cannot expect to have it in one bill together, but as exchange can be gotten; for MacCartny has no money now in London, but promises all inquiry and assistance and advice. This £300 he partly promised for the Earl of Donegall if I had not spoken with him yesterday. I hope your oxen will come to a good market at the season, though money is scarce here. They are in very good case. I fear the people in England will not believe in the scarcity of money here, and that they will expect some [help in]* this war having been so liberall [ ]*. But if we can provide for the army here which [I fear]* will be a difficulty it is well; the last six months' pay [is]* not yet come out of Connaught where the troopers [?] have been out a month already and not returned.

Details follow as to the letting of a farm on the Conway estate between Mr. Close, Thomas Abbot and Nicholas Kay.

. . . I have acquainted the Dean with what your Lordship writes and also Adam about the gardener, and for the keeper I think to say nothing to John Dumvill till he come over. Dumvill keeps the deer in better than when you were here.

My sister Hill sends her humble service. Her son Moyses never came to Hillsb[orough] or into this house since he came down, but his wife visits both places. The Deans of Armagh and Connor have been at dinner [with us] to-day. They came from Portmore this morning. Your sister is better of her sickness and toothache, and presents her service.

P.S.—We expect my brother Francis from Dublin to-day or to-morrow. Captain Langford has not gone over to England but is come home here.

[The bright]* star was discovered at Lisburne the same night [as a]t Dublin. I left Dublin the next day and [many] at Tredath, Neury and Rostrevor had taken notice of it. "And still we gaze upon it here, but have no ver[ ] here to give their judgments. The Dean will not take [notic]e*; nor my Lord Bishop with whom I spoke about it last time [at] Portmore." *Pp.* 3¼. (*Hol.*). *Conway Papers. Add. S.P. Ireland* 319, 3.

7 Jan. Council Chamber, Dublin.

ENTRY of PROCLAMATION by the LORD DEPUTY and COUNCIL.

Sets out an order of the King in Council, dated 28 October, 1664, for publication of the King's Declaration for the encouragement of seamen and mariners employed in the present service.

Sets out also the said Declaration in full.

Directs that the order and Declaration be reprinted and published and proclaimed throughout Ireland, that all persons concerned therein, or who may benefit thereof, may have due notice thereof.

* Document damaged by damp here. My attempts at reconstruction are in square brackets.—*Ed.*

For principal provisions of this Declaration *see Calendar of S.P. Dom.* for 28 October, 1664. In addition the Declaration provides:—

That for the supplying of necessary provisions for sick and wounded men on board there shall be allowed £5 for six months' service for every hundred men.

That upon discharge of the sick and wounded men from the ships in His Majesty's service, care shall be taken for the payment of their tickets and conduct money; and that directions shall be given to all mayors, bailiffs and other magistrates in any port towns to take care for all necessary accommodations at the charge of His Majesty for the relief and care of such sick and wounded men as shall be sent on shore.

That the moiety of all hospitals in England employed for the cure of wounded and sick people be reserved during the time of war at sea for such as shall be wounded in the navy, as such parts of the hospitals became vacant after 1 November. *The whole pp.* 3½. *Overwritten by* Lord Deputy Ossory *and signed by* eleven Councillors. *With note* of printing by Crook and sale by Dancer in Castle Street, Dublin. *S.P. Ireland* 309, *pp.* 145-8.

11 Jan. Dublin Castle. COPY of the LORD DEPUTY and COUNCIL to the ENGLISH PRIVY COUNCIL.

I, the Deputy, received on the 29th your Lordship's letters of 23 December, directed to me and the Council, signifying the King's order that we should consider and resolve on fit ways to speedily raise and imprest 1,000 able seamen (if so many may by any industry be had in this kingdom) for the naval expedition against the Dutch. I communicated with the Council on this matter and, after discussion, we thought it our duty to inform your Grace "that we find cause to doubt and fear that it will not be possible at this moment to raise seamen here in any considerable proportion towards that number; for albeit there are many ports and maritime towns in this kingdom, yet such and so great are the desolations wrought here by the late rebellions, that those ports, and the creeks and members of them, do for the most part lie waste, and the maritime towns in a great measure depopulated of seamen. The fishing for pilchards and other fishings formerly here (which was a great means of increasing the numbers of seamen here) are now discontinued through the paucity and poverty of the people, in so much as the trade hitherto driven in this kingdom, both in-gate and out-gate is not carried on by shipping belonging to this kingdom, but by shipping belonging some to His Majesty's subjects of England, and some to foreigners and strangers, Dutch and others."

We have, however, set ourselves to work as directed on this matter; and as we know that there is no chance of getting a thousand regular seamen, we resolve to take on—for supply of this defect—not only others that now use boats and cotts on rivers, but also

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other parties that are able bodies of men, who in short time may be made seamen, if we receive not your Lordship's pleasure to the contrary. I, the Deputy, shall encourage any soldiers who wish to enlist in this service, and will cause others to be placed in their rooms in the army.

With a view to "fitt and prepare the minds of the people before those things which we are now consulting shall be made public," and as we shall need help from the "inland counties next adjacent to the ports and maritime towns," we have thought it well to reprint and publish the King's Declaration of 28 October last, entitled "His Majesty's Declaration for encouragement of seamen and mariners employed in the present service."[1]

That we may be better able to go on with the work we crave leave to remind your Lordships "that in regard His Majesty's treasury here is utterly empty" money must be sent here for prest money, travelling expenses and provisions for the men till they are shipped.

When we have more nearly concluded this matter we will inform your Lordship of our further proceedings herein; and will certify where the two frigates should observe and attend. *Pp.* 1½, *with signatures* (*not autograph*) *of* the Lord Deputy, the Archbishops of Armagh and Dublin, the Lord Chancellor and nine other Councillors. *Endd.*: "Copy," &c. *as in heading. S.P. Ireland* 319, 4.

13 Jan. WARRANT under the SIGN MANUAL to the [LORD LIEUTENANT and LORD DEPUTY] for the 1649 OFFICERS.

The Trustees appointed for managing the security of the 1649 officers have certified us that they have incurred certain expenses in soliciting the interests of the 1649 officers in the Bill of Settlement now under consideration, and preserving for them their rights under the Declaration of 1660 and Act of Settlement of 1662. The Commissioners of Settlement, who are authorized to issue warrants to the Vice-Treasurer of Ireland to meet these charges, are not at present in Ireland and have asked us for £3,200 for paying them. You shall give assignments to the said Trustees on the Earl of Orrery and Lord Massereene for that sum, out of the issues of that security, to be disbursed by them on account for that service. *Pp.* 1½. *Countersigned by* Secretary Bennet. *Add. Endd. Ibid.* 5.

Also entry of same. *P.* 1. *S.P. Ireland* 318, *pp.* 80-81.

General date 17 Jan. FURTHER DOCUMENTS RELATING TO THE CASE OF JOHN LORD KINGSTON.[2]

Copy[?] of Sir Heneage Finch to Secretary Bennet.

I have received a warrant to prepare a patent for my Lord Kingston of certain lands in Ireland, wherein the King has

(1) *See above* at 7 January.
(2) *See* Index *s.v.* "Kingston" for other documents concerning Lord Kingston's case.

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expressed his pleasure in several particulars which cannot with any ease or safety to Lord Kingston be comprehended in the patent itself. As, however, no patent of these lands can be valid without a clause of confirmation in the bill of Settlement, I have presumed to draw a short patent of the lands intended, and to frame a warrant according to it, and charge myself to see the King's intentions, as expressed in the former warrant, strictly pursued. I think this is the best way to proceed, because the Parliament of Ireland will then see in the act the scope and measure of the patent which they are to confirm. But if this course give any scruple pray return the parchment. I had much rather draw a patent which is doubtful in law than have my own obedience called in question. *P.* ¾. *Dated* 17 January, 166⅘. *S.P. Ireland* 319, 6, *p.* 1.

Draft under the Sign Manual of the King to the Lord Lieutenant for John Lord Kingston.

Identical with the grant calendared at 6 September, 1664.[1] *Pp.* 5¼. *Signed by* Secretary Bennet. *Ibid. pp.* 3-8.

Copy of petition of John Lord Kingston to the King, showing that:—

Petitioner lost £5,000 by giving up certain lands in Ireland, of which he was duly possessed, to Lord Dungan, Lord Strabane, and other former proprietors thereof. By the King's Royal favour, in consideration of petitioner's obedience, a special proviso was granted to him for reprisal in the cos. Dublin, Kildare and Cork, where lay the most valuable lands with which he had parted. Pursuant thereunto and also by direction of the King's letters, commissioners were appointed and valued the lands delivered up as aforesaid and certified them to be of the yearly rent of £2,397 7*s.*, and returned a particular of other lands of the like value in the same counties, to the end that the petitioner might be compensated by a *custodiam* of them. Such a *custodiam* was granted to him, and, in virtue of the King's special letters, a particular of it was lodged with the Commissioners of the Court of Claims with an order restraining the disposition of these lands until such time as the petitioner should be reprised out of them for his losses—which in all amounted to over £3,500 a year. Petitioner was at much trouble and cost to defend the King's title to these lands which, but for such defence, would have been lost. Nevertheless at a time when petitioner might reasonably expect the King's favours most of the said lands are granted away to Lord Fitzharding and others by virtue of the King's grants, and the King's intention of recompensing him is rendered ineffectual.

(1) *Above pp.* 432-433.

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On the petitioner stating these facts to the King, he was pleased on 17th June last to refer the matter to the Commissioners of Settlement. They reported on 13 August last[1] finding the petitioner's allegations true and recommending the King to take such course as he thought fit. The King accordingly granted to the petitioner by his letters of September 6, 1664, &c.[2]—to the value of £700 a year. No directions have, however, been as yet issued for the satisfaction of the petitioner for the residue of the said lands, the greatest part of which, lying in Dublin and Kildare, and not far from Dublin, were of such value as cannot be recompensed without some provision made on the petitioner's behalf.

He prays for Royal directions that the proviso aforesaid be confirmed to the petitioner in the present bill under consideration in case the said lands shall not be thereby confirmed to Lord Fitzhardinge, and (for making the same effectual and preventing like hazard and damage to the petitioner in future) that the forfeited lands in the particular aforementioned and these granted in *custodium* to the petitioner in order to his reprisal may forthwith be returned into the petitioner's possession to hold until he be reprized. In case such lands shall fall short of a full reprisal, he asks that he may be satisfied, as to such part as may be deficient, out of the lands mentioned the King's letter of 6 September, and other lands in the King's dispose in the aforesaid counties of like rents, or elsewhere of equal value. If the said lands be confirmed to the said Lord Fitzharding, he asks that the said letter of 6 September may be made good to him with such other reprize, recompense, &c., as the King may deem meet. *Pp.* 1½. *Underwritten with*—

Copy of order dated Whitehall, 26 September, 1664, referring the petition to the Lord Chancellor of England, the Lord Lieutenant of Ireland and the Earl of Orrery to certify what they think fit to be done. *Ibid. pp.* 13-14.

Report of the Lord Chancellor [Clarendon], the Lord Lieutenant, and the Earl of Orrery on the above petition.

We have considered the petition and other papers, especially the report of the Commissioners of Settlement.[3] The facts shown are true and the lands now granted to Lord Fitzharding do in truth belong to the said Lord Kingston by virtue of a proviso in the said Act of Settlement, and the King's letters pursuant thereto. We find, however, that Lord Kingston is ready to waive his rights and consent to the confirmation of Lord Fitzharding's grant by the present act. We think that as this is a singular case, steps should be taken to place in the new act provisions for recompensing Lord Kingston in the way which he desires, with such further reprize as may recompense him for the damage sustained as well for the lands delivered by him in obedience to your Majesty's

(1) *Above pp.* 425-6.
(2) *Above pp.* 432-3. The grant of that date is here set out in substance.
(3) *Above pp.* 425-6.

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letters as for those adjudged from him by the Court of Claims to former proprietors. This we humbly conceive may be done by confirming to him the benefit of the King's letter of 6 September, which was designed to make good to him the £5,000 which he lost by obedience to the Royal orders. His former proviso and *custodiam* should be made good to him in all things not impeaching Lord Fitzharding's grant or the decrees of the Court of Claims, and such reprisal lands should be provided for him in Cork, Limerick and Tipperary, as will give him two-thirds of the value of the lands delivered [by him] on the King's letters, or decreed from him by judgment of the Court of Claims. *P.* ¾. Dated 29 September, 1664, Worcester House, *with signatures* [*copies*]. *In all, pp.* 14½, *with many blank pages. S.P. Ireland* 317, 6, *pp.* 1-15.

This concludes the documents relating to this case.

18 Jan. Lisb[urn]. MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

I am sending this for you to London and another for you at Ragley by Mr. Mildway to Dublin. He is going up with £400 to be transmitted by Mr. Tandy. I could not get it returned hence* so it goes [all]* in specie * * * that I could think of none better for this trust, for all the officers of the army are strictly commanded to attend their charges since this late alarm of the Irish rising; so that I have instructed Mr. Tandy the best I can to supply my attendance this term upon the suit against Langford. "I have advertised my Lord Deputy what I discover, and those two we examined come to me with intelligence still, and what was then informed is now believed. The Lord Dungannon, Sir John Cole and Colonel Coot are in the county of Cavan with some horse and are taking examinations; and, now the plot is discovered I hope my Lord Deputy and Council will use some means to prevent it," and to preserve the King's good subjects in security, "who are now generally terrified, in so much divers send their goods hither from Lurgan and those parts." *Details. Pp.* 1½. (*Hol.*). *Conway Papers. Add. to* Lord Conway "at Mr. Lisson's, the post officer in Covent Garden." *S.P. Ireland* 319, 7.

18 Jan. SAME [to SAME].

Now that you and our friends are in London, I present you this note. If you approve it and think this long expected bill will give us a settlement here and assure to the Protestants and their children the lands that they possess, I would be willing "your sister might be entitled to the name of Lady[1] which they now call Madame," though it will not be to her any addition of place, and for that at our county meetings and other places it would free me

* Document damaged by damp.

(1) Major Rawdon was created a baronet on 20th May, 1665.

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of some trouble and ceremony." I think that if you approach the Duke of Albemarle at some convenient time he will not refuse to ask the King to make me a baronet; which was first constituted (as I have heard) for subduing the rebels of Ulster, in which service, through the blessing of God, I may pretend to have had some share. If you think fit and can obtain this honour for me, perhaps you will employ some one to pass the patent there. I will pay the charge; or perhaps Mr. Lock will undertake it for me. If Mr. Solicitor is kind enough to trouble himself about it and if you remind him, perhaps he will add something of my service in Ulster beyond what is usual in these patents. I leave the matter entirely in your lordship's hands and have spoken on it to none but yourself, and if you let it die in silence I shall think no further about it. *P.* 1. *(Hol.). Conway Papers. S.P. Ireland* 319, 8.

21 Jan. Council Chamber, Dublin Castle.

The Lord Deputy and Council to the Lord Lieutenant.[1]

We have seen an order of the King in Council attested by Robert Southwell, one of the Clerks of the Council there, and bearing date the 7th December, 1664, upon a petition of the Committee of Adventurers for lands in Ireland sitting at Grocers' Hall. The order recites that the petitioners pretend to be credibly informed that we have lately issued a proclamation strictly requiring the payment of the other moiety of "the said years value."[2] We were ordered to inquire and report as to the reason of this pretension. We find that we, the Deputy and Council, have issued no such proclamation; but that on 6 May, 1664, you, the Lord Lieutenant and Council, in the exercise of powers given to you by the "Act for the enlargement," &c.,[3] issued a proclamation. This was printed and proclaimed throughout the kingdom. We send a copy of it. It may have formed the ground of the petition.

As we believe that the King's order of 7 December, 1664, meant to give relief to the adventurers and was only ill framed through want of information, we have to-day ordered the respite of the execution of your Grace's and this Council's order of 6 May, 1664, as to the second payment therein mentioned. We desire you to inform the King and Council of this. *Pp.* 1½. *Signed by* the Lord Deputy and thirteen Councillors. *Add. Endd. in* Sir George Lane's *hand. Ibid.* 9.

Same.

Copy of Proclamation by the Lord Deputy and Council.

Sets out in substance the order of the King in Council referred to in the foregoing and dated 7 December, 1664, as follows:—

The complaint of the Committee at Grocers' Hall is that though several of them have given the King a year's value of their lands under the Act of Settlement and have paid in one-half of that sum

(1) The Duke of Ormond was, of course, in attendance at Court at this time.
(2) The year's value of their estates payable by the adventurers according to the Declaration of November, 1660, and Section 33 of the Act of Settlement.
(3) 14 and 15 Car. II. c. 12.

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(which was payable on 1 November, 1662, and 1 November, 1663, under penalty of forfeiture of the whole), yet they are dispossessed of several portions of land set out to them by decrees of the Commissioners of Settlement.

In the bill under consideration the penalty is intended to be taken off, and the King has declared in Council that he never purposed to take advantage of the forfeiting clause. The Committee of the Adventurers also pretend to be credibly informed that a proclamation has been issued by the Lord Deputy and Council strictly enforcing the payment of the second half of the year's value payable by the adventurers. The King in Council directs that the Lord Deputy and Council respite and suspend its execution and inquire into the reason of the information preferred by the Committee of Adventurers.

There has been no such proclamation by the Deputy and Council, but there has been an order of the Lord Lieutenant and Council of 6 May, 1664, enlarging the time for payment of the second instalments aforesaid from 1 November, 1663, to 21 November, 1664, at which period all persons were required to pay such instalment according to the best estimate they could make of the value of their lands in the year 1659. Any persons proved, when the commissioners made their returns, to have over paid, should, it provided, be compensated.

In fulfilment of what we take to be the King's intention, as expressed in the order of 7 December, the order of 6 May, 1664, in so far as it refers to the payment of these second instalments is respited and suspended. *Pp.* 2½. *Overwritten (not autograph) by the* Lord Deputy, *and signed (ibid.) by* thirteen councillors. *Examined by* Ma. Barry. *Endd. S.P. Ireland* 319, 10.

21 Jan. Lisburne. ADAM LEATHES to VISCOUNT CONWAY AND KILLULTA.

I never knew your lordship's All Saints' rents to come better at any time to my hands in November and December; and I never knew them to come in so badly in January as they have done in this month. On 1 January I had about £450 of rent in my hands, but since then have only received £120. "But there hath been a reason for it, for since this month began there hath been such a general report and rumour spread itself throughout the country (not without some good ground) of the intention of the Irish to make a general re-insurrection against the English" that the tenants [?] can hardly raise any money for anything they have, though they sell it never so cheaply. The weather has also been so bad that distresses could not be taken—even if cattle would yield any money, but "they would have scarce escaped from perishing on the mountains with the hardness of the weather," of which we have had nothing but snow and frost this month; so that I could not have sent the £700 you expected from hence this month had I not received £150 from Mr. Rawdon. This sum being added to mine makes up £720. *Details.*[1] *P.* ¾. (*Hol.*). *Conway Papers. Add. Ibid.* 11.

(1) The letter is imperfect here.

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25 Jan. Council Chamber, Dublin.

The Lord Deputy and Council to the Lord Lieutenant.

On the King's reference to us of 21 September, 1664, upon a petition exhibited to His Majesty by Dr. John Lesly, Bishop of Clogher, we have considered the Bishop's request and ordered several witnesses produced by him to be examined on oath before the Clerk of the Council concerning the allegations of the said petition. When the examinations were published we, considering that the King was therein interested, ordered the Bishop to produce to the King's learned counsel His Majesty's reference to us and the patents alleged to have been given to Lord Ridgeway of the lands mentioned in the Bishop's petition to the King, and the said examinations and other papers for their information; that they might be able the better to inform the Board thereon. We then heard the case in Council, the Crown counsel and the Bishop's counsel being present, and ordered that counsel should meet and state by agreement a case for us under their hands. Thereupon Sir John Temple, the Solicitor-General, and Sir William Davys, Recorder of Dublin, "of counsel with" the Bishop, reported as follows:—

Preamble as to order for stating case and agreement between counsel.

King James by his letters patent dated 2 August, 1609, granted to Sir Thomas Ridgeway, afterwards Earl of Londonderry, and his heirs, his lordship of Upper Trough [Upper Truagh] and the several lands and rents thereafter mentioned, vizt. the several ballybetaghs of land of Ballylegachorry [Legacurry], Ballydrumarall [Drumar], Clonoad [Clonode], four tates of the ballybetagh of Ballyglasslagh [Glasslough], four tates of the ballybetagh of Ballinesmore [Ballynasmere], a rent of 12*s.* 6*d.* yearly out of each tate of twelve other tates of Ballyglasslagh and a rent of 12*s.* 6*d.* yearly out of each of the sixteen tates of the ballybetagh of Ballydrumbranchor [Drumbanagher],[1] all lying in the co. Monaghan, at the rent of £19 10*s.* yearly.

The same King by letters patents, dated 10 July, 1610, granted Sir Edward Blaney [Blayney], &c., all the said tates of Ballyglasslagh at a rent of £6 a year.

The same, by letters of 5 February, 1609, granted to Patrick McKenna, &c. the ballybetagh of Ballyletten [Ballylattin] and a yearly rent of £13 6*s.* current money of Ireland issuing out of the ballybetagh of Ballynesmere, being also parcel of the said lordship of Upper Trough.

In 1609 Mckenna conveyed Ballyletten and the rent on Ballynesmere to Sir Thomas Ridgeway and his heirs as appears by a pardon of alienation granted to Ridgeway and to Mackenna's heirs, &c.

Sir Thomas's heirs from time to time paid into the Exchequer the said rent of £6 yearly, reserved by Sir Edward Blayney's patent for the sixteen tates of Ballyglasslaugh as well as the £19 10*s.* reserved by the said Sir Thomas Ridgeway's patent, as appears in the records of the Auditor-General's Office in Ireland.

(1) *See Calendar of Patent Rolls, 7 Jac. I. at p.* 149.

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Sir Thomas Ridgway afterwards conveyed the said lordship to Lord Baltinglass, who conveyed to Sir Robert Parkhurst, who conveyed the same to the Countess of Carlisle or her use, who conveyed the same to Viscount Lisle, who hath since, for valuable consideration, conveyed the same to the Bishop Clogher and his heirs.

It is proved by the depositions of several witnesses that the Bishop of Clogher is now in the possession of the sixteen tates of Glasslagh (excepting the tate of the Scilire [Scairble[1] or Ennyvale] and that those from whom he claims the same enjoyed them for many years before the rebellion broke out. The ballybetagh of Ballyletten, except only four tates thereof which now belong to the Bishopric of Clogher, and the yearly rent of £6 13*s*. 4*d*. issuing out of the ballybetagh of Ballynesmere (which are not contained in the said patent granted to Sir Thomas Ridgway) have been also still enjoyed by those under whom the said Lord Bishop claims the said lordship ever since the purchase thereof by Sir Thomas Ridgway from Patrick Mackenna.

The Bishop desires only a new patent from His Majesty of the lands contained in the said Sir Thomas Ridgway's former patent and of the twelve tates of Glasslagh mentioned in Sir Edward Blayney's patent; and also the ballybetagh of Ballyletten and the £6 13*s*. 4*d*. due out of Ballynesmere. All these have long been in his possession and in that of his predecessors in title. He asks that he may have them at the old rent paid by Blayney and Ridgway, and in socage, and that he may have with them a proportionate share of the rent payable for the same by Mackenna's patent with a saving of the right of the Church and of all common persons to all or any of the premises.

John Temple.
23 December, 1664. William Davys.

We send this report to the King with this addition, that we think that if your Lordship granted this patent to the Bishop of Clogher, it would be a favour well placed. *Pp.* 2¼. *Signed by the* Earl of Ossory as Lord Deputy and eleven Councillors. *Add. Endd. S.P. Ireland* 319, 12.

[26 Jan.] Petition to the King of Wentworth, Earl of Roscommon, Sir Edward Savage, Kt., and Edmund Windham, showing that:—

King Charles I. granted to petitioners all the land and soil left and deserted by the sea or saltwater mark of the river of Shannon coming from the sea which was "at any time within the full sea mark or flood mark of the sea or salt water" in the cos. Limerick and Kerry on the south side, and Clare and Thomond on the north, at a fee farm rent of fourpence or sixpence at the most, according to the affidavits, petitions and reference hereto annexed. Of the said lands several inquisitions and surveys were taken by the petitioners at great expense, of which, owing to the late troubles, they could reap no good effect. Their grant being lost during the troubles, they have been great sufferers during the late times.

[1] Mr. Grattan Flood has kindly sent me this and several others of the modern equivalents in square brackets.

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They pray for a fresh grant of these lands according to their former grant—between the high and low water mark; and for directions for the effectual passing of the patent. *P.* ½. *Endd. with*—

Order, dated Whitehall, 20 January, 166½, *and signed by* Secretary Bennet referring the petition to the Lord Lieutenant who shall report on it. The King, on such report will take action. *S.P. Ireland* 319, 13.

28 Jan. [Li]s[burn]. MAJOR RAWDON to VISCOUNT CONWAY AND KILLULTA.

The £900 sent, well guarded, last week for you to Dublin is, I hear from Mr. Tandy, made over to you. He paid 4 per cent. for exchange. Little or no rent has been paid here since the late alarm, for which we have no fear here. Several beyond the Bann would move here if I could provide land for them. I have privately got out lists of men able to bear arms "and do compute near 1,000 men will be found in Killulta and Kilwarlin and Moyra." My Lord Deputy has ordered £20 to be paid to the keeper at Carrick[fergus] to get the arms fixed there. They are yet very unserviceable. The Bishop of Down has been very hot to take Den Magee's house and, Mr. Hara not sending his answer in the time he promised, has agreed to take it for thirty-one years at £24 per annum. Your lordship's oxen are well and have been well looked to this hard weather, which has gone sore with such as are unprovided with hay. "The deer in both parks are in great case and the lean white buck we had from Antrim is exceedingly mended since we had him." I do not know what the Bishop will do for hay next year if he winter here, as he proposes. We could set him part of your meadow, on which please advise us as the spring comes on. Your lordship will hear from Dublin what examinations Lord Dungannon has brought to the Lord Deputy. The trouble will, no doubt, break out into a flame if not prudently prevented. It is a growth from that of which we first gave notice to the Lord Lieutenant. Your sister, my brother Travers and the children are all well and the Dean and your servants at Hillsb[orough], and the Cornet, who is here with the troop. He and the quarter-master expect some help from the town for their quarters—a matter on which I should like your sense. *Pp.* 1½. (*Hol.*). *Conway Papers. Ibid.* 14.

28 Jan. Dublin Castle. COPY of ORDER by the LORD DEPUTY to the EARL OF ANGLESEY, VICE-TREASURER of IRELAND.

The King by letters patents under the Great Seal of Ireland dated 7 January, 1665, granted to John Lord Berkeley and his executors, &c., the sum of £4,000 out of the profits of the lands set out for English arrears or under the Doubling Ordinance or of the lands sold in Connaught by those who were transplanted there and are or shall be restored to their former estates. We order you to pay this sum accordingly. *P.* 1. *Directed to* the Vice-Treasurer or to his Deputy-Receiver. [*Examined by*] Thomas Page. *Endd. Ibid.* 15.

1665. FEBRUARY, **1665.**

7 Feb. PETITION of the KING of KATHRINE, COUNTESS DOWAGER OF CHESTERFIELD, Executrix to DANIEL O'NEALE, deceased, showing that:—

"Your Majesty's affairs (since the raising of your Majesty's great power by sea) have grown and daily are more and more chargeable" to petitioner "by reason of the continual despatches that are made in your Majesty's affairs to and from the places and counties bordering on your Majesty's seas, where your Royal navies and ships ride in England and Wales, and are out of the roads of your Majesty's posts, which in this conjuncture of affairs are likely to prove more frequent by the accession of the business of prizes, so that your petitioner will be enforced to send particular expresses at her own charge, and to defray the expense of messengers for carrying the same, not only by land, but by the hiring of boats to carry them on board your Majesty's ships" as she may be ordered by the Secretaries, the Duke of York, and others the King's great ministers. The charge therefore is so heavy and the petitioner has no allowance [for it] nor way to reimburse herself; and is thereby disabled to make good her late husband's contract for the farm of the post office.

She prays that allowance may be made to her for all such "emergent" charges which the post office may have to meet at a figure arranged by the King's principal Secretaries of State in consideration of what has been formerly allowed under like circumstances. *P.* ½. *Underwritten with*—

Order, dated at Whitehall, 7 February, *and signed by* Secretary Bennet referring the petition to Secretary Morice and himself [Bennet]. On receiving their report the King will declare his further pleasure. *Endd. S.P. Ireland* 319, 16.

8 Feb. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for CAPTAIN HUGH MCGILL.

By his petition, Captain McGill, Comptroller of our Ordnance in Ireland, sets forth that there are several debts due to him from Sir James Montgomery, Kt., deceased, and from William Montgomery, Esq., his son and heir, and that he is much impoverished by reason of the losses he has sustained in our Royal father's and our own service, but is unwilling to sue Sir William, who has been friendly to him and is his kinsman. Captain McGill futher sets forth that one Colonel Robert Barrow took for some years, in *custodium* [*sic*] from the late usurpers, the estate of the said William Montgomery, and contracted to pay a yearly rent into their Exchequer, but never paid it and owes us so much of it as is in arrear. Captain McGill asks that these rents may be assigned to him and says that he will take them in full discharge of the debts due to him. We are willing to grant to Captain McGill, his executors, &c., all such arrears of rent

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as are due from the said Colonel Robert Barrow. You shall therefore cause the Barons of the Exchequer to issue from time to time all such processes against the said Colonel Barrow, his heirs, &c., as shall be needful and as are usual in such cases, in order to bring him and his heirs, &c., to account thereof. The said Barons shall, when they have ascertained what is due, by all legal means compel Colonel Barrow and his heirs, &c., to pay it to Captain McGill and his heirs, &c., whose receipt shall be a discharge therefor. *P.* ½. *S.P. Dom. Signet Office VI. p.* 85.

Also draft of same. *Dated* — November, 1664, *pp.* 1¾. *Endd. S.P. Ireland* 319, 17.

8 Feb. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for SIR JAMES DILLON.

On 18 August, 1662, in consideration of the services rendered to King Charles I. and ourselves by Sir James Dillon, we granted him a pension of £500 to be paid out of the Irish Exchequer, and ordered that letters patents should pass for the said grant for Sir James' life. We are informed that Sir James has not had any benefit of these letters. You shall grant him by letters patents the pension and the arrears thereof from 18 August, 1662, the grant being charged on the Exchequer or some other certain revenue there. *P.* ¾. *S.P. Dom. Signet Office VI. p.* 65*d.*

Also entry of same. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 81-82.

9 Feb. Whitehall. SAME to SAME for LORD CHANCELLOR EUSTACE.

Sir Maurice has purchased for great value the manor and lordship, or reputed manor and lordship, of Portlester, in co. Meath, from the ancient proprietor [who has been] adjudged innocent there, and put into possession of that estate by the Court of Claims. In answer to his request we order you to cause patents to be made, by the advice of our learned counsel there, wherein there may be words of grant, release and confirmation of all our interests, &c. in the said manor, &c. of Portlester and in the villages, hamlets, rights and royalties used therewith, and shall grant the same to the Lord Chancellor to be held at the due and accustomed rents. *P.* ½. *S.P. Dom. Signet Office VI. p.* 66.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 82.

Same. SAME to SAME for CAROLL BOLTON.

Sets out the provision of the Act of Settlement as to the lapsed money and the fact that one-third thereof has been reserved to the Crown,[1] *and proceeds* :—

In reward for Bolton's exertions in discovering and abstracting the forfeited adventures which constitute the "lapsed money," a fee

(1) *See above p.* 451.

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farm of one-sixth part of the third of such lands reserved as the portion of the Crown (the whole thereof being equally divided into six parts according to the Act rates in the different provinces) shall be granted by letters patents to him and his heirs. He shall pay a rent of £8 a year for every £100 worth of the said forfeited adventures satisfied upon the said sixth part according to the Act rates. *Favourable clauses.* *P.* ⅔. *S.P. Dom. Signet Office VI. pp.* 66 *and* 66*d.*

10 Feb. Council Chamber, Dublin

The Lord Deputy and Council to [the Lord Lieutenant].

Sending an act entitled "an Act for the better securing of His Majesty in his forfeitures, Lords in their escheats, and purchasers in their purchases, creditors in their debts, and the general repose and quiet of His Majesty's good subjects in their estates," and asking that it may be submitted to the King, and, if His Majesty please, returned with all convenient speed. *P.* ½. *Signed by the* Lord Deputy and thirteen Councillors. *Add. Endd. S.P. Ireland* 319, 18.

Documents relating to the Case of René Mezandière.

General date 10 Feb.

Petition to the King of Renne [René] Mezandière showing that;—

Petitioner has for several years served the Lord Lieutenant and is anxious to continue and end his days in the King's and Lord Duke's service.

"In Dublin and elsewhere in Ireland there are no coaches or chairs for hire sufficient to supply or accommodate ladies and other persons of quality either for journeys into the country or to the sea-side from Dublin, or from one place to another in Dublin or other the towns of that kingdom." The petitioner is willing to bear the charge of making and fitting coaches and chairs for these purposes in Dublin and elsewhere.

He prays for the sole right to have and hire such chairs in Ireland, whereby he may advantage himself, and "fit such ladies and persons of quality as would make use thereof." *P.* ½. *Underwritten with*—

Order, dated Whitehall, 14 January, 166¼, referring the petition to the Lord Lieutenant. The King is anxious to grant it "so far as it shall be found convenient for the public to introduce any such constitution in that kingdom," *and endd. with*—

Report of the Lord Lieutenant upon the foregoing petition.

Recommends that it be granted if the Lord Deputy, on consideration with the "learned councell" [the law officers?] of Ireland, finds that the grant of it is not to the public inconvenience. *P.* ½. *Signed. In all, p.* 1. *Endd. Ibid.* 19.

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Draft of the King to the Lord Lieutenant and Lord Deputy in favour of René Mezandière.

Sending his petition and authorising him to direct the Attorney and Solicitor-General to prepare a grant and licence to be passed to René Mezandière as desired. As he must be at great expense in preparing coaches, chairs, and horses for this purpose, the Lord Deputy shall fix a fit rate for those who use the chairs and coaches anywhere in Ireland. None to hire coaches or chairs except under licence from Mezandière. *P.* ½. *Evidently prepared by Mezandière himself. S.P. Ireland* 319, 20.

Further draft of same for same.

In sense of the Lord Lieutenant's report [*on last page*]. 'The Lord Lieutenant or Lord Deputy is authorised to grant Mezandière's petition "in case you shall find upon advice with our learned counsel of that our Kingdom that the granting of such power herein and authority is of no public inconvenience." *P.* ¾. *Endd. Ibid.* 21.

Note of King's letter to the Lord Lieutenant and Lord Deputy for René Mezandière.

To consult with the Council there whether it may not be an inconvenience to the public to keep hackney coaches and chairs in that kingdom, "introducing such a constitution." If it be fit, a grant thereof to pass to Renne [René] Mezandière. *P.* ¼. Dated 10 February, 1665. *S.P. Ireland* 318, *p.* 83.

This concludes the documents relating to this case.

11 Feb. Lis[burn]. Major Rawdon to Viscount Conway and Killulta.

I have stayed this in hope of speaking with John Totnam, who is not yet come from the Tunny Park, to see if I could close the bargain the droviers have been there about. They offer him for four score, good and bad, £4 10*s.* apiece. He demands £5 5*s.* If they come to £5, which will mean £400 I shall advise him to take it. But then, how to observe your Lordship's direction! First, to advertise you before they take them away will be some difficulty, and charge to keep them so long, hay growing so very scarce. But these are uncertainties. I shall try to get the best price I can for them. They expected £200 in money if they bargained not, but Adam will be hard put to it for that £100 your Lordship hath appointed them to receive in such case to make their market elsewhere.

I have forty very good oxen, but shall not deal with them, "for I purposely over-value mine in order that they may think your Lordship's a better pennyworth."

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The gardener and his wife are come at last. They did not send for horses and so tired their hackneys, but I sent horses to meet them at Newry. Yesterday and to-day we have had a pleasant thaw, to the great joy of the country. No one could plough and there was a loss of cattle, in which I shared. Mine were on high ground at the Crew, which is unsuited to them in such hard winters. I have been about the orchard and the walls this morning with the gardener; and upon this thaw have set labourers to remove some earth, &c. *Other details.*

Stalker's house has been burnt by the negligence of a servant; and his new house was only just saved. We are subscribing for him. I have given £3 and the Bishop £2; and I should like leave to give him timber to shingle it. This house, if the wind had sate towards us, would have been in danger from the burning thatch.

The alarm I wrote to you of is now over. I hope some prudent course will be taken at Dublin. A Committee of the Council to secure the peace of the kingdom are considering it. My brother Francis speaks of going to Major Perrot, but I am not certain whether he will go so far or not. We hope earnestly for better news of my lady. *Polite expressions.*

P.S.—I hoped Sir John Finch would have been in England and with my lady long ere now.

P.P.S.—I suppose Mr. Tandy has told you of his diligence this term [in the matter of the lawsuit in Dublin] and of the "tugg" in the Exchequer on Monday last. Their exceptions against the draft of the special verdict were all overruled but one, and an order given for drawing it up. In the long run I hope for a good issue if he compound not—as I have heard he will. I hear from Lord Massereene and Lord Dungannon what comes to Dublin, and write to them, since the late alarm. Mr. Mossenden and Mr. Blackmore are in Dublin about the suit for validing the seven years' lease. Lieutenant [?] C. Hill is so offended with me for taking part in it that he will not come into my doors. About this I am indifferent. James, the cook, has had a legacy left him in London. He has sent a letter of attorney to Garret to receive it and desires you to take it and give a bill for it on Adam. It will be about £50. *In all, pp.* 2¾. *(Hol.). Conway Papers. Add.:* To Lord Conway at Ragley; "to be left for conveyance with the postmaster at Coventry." *S.P. Ireland* 319, 22.

Copy of Petition to the King of Mary, wife of Richard Jones, Minister of Carle in Ireland, showing that:—

Petitioner was daughter of Edward Basse who served Charles I. as laceman. His present Majesty was godfather to petitioner and her brother Charles, who were baptized a little before the outbreak of the late war at her father's house at the Sign of the *Angel* in Cheapside, as his Majesty may haply call to mind. Petitioner and her family were reduced to great want and forced to go to Virginia by reason of the said war and for want of £12,000 owing to petitioner's father by King Charles I. Her said father was also

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owed £40,000 by divers noblemen about the late King's Court. Petitioner has had no recompense since the Restoration. She prays that her son Theodore Jones may have a lieutenancy of foot in the Irish army on the first vacancy. *P.* 1. *Endd. Undated,* but about same as following petition. *Endd. S.P. Ireland* 319, 28.

[11 Feb.] PETITION to the KING of RICHARD JONES, showing that:—

The Lord Lieutenant and Council to whom the King on 24 July, 1663, referred an earlier petition by this petitioner, reported to the effect that the King owed him £1,000.

He prays that a clause may be inserted in the bill now under consideration for payment to him of £1,000 out of the profits of the English arrears, Doubling Ordinance and Connaught lands.[1] *P.* ½. *Underwritten with*—

Order, dated 11 February, 1665, *and signed by* Secretary Bennet, referring the petition to the Lord Lieutenant. On his report the King will take action. *Endd. Ibid.* 24.

12 Feb. The EARL OF ORRERY to VISCOUNT CONWAY AND KILLULTA.

I received the enclosed last night and think it gives full assurance of that villainy to which, as yet, too many have given little credit. I shall improve it as much as I can for the King's service and beg you will let me know all that Major Rawdon writes to you.

I am glad her ladyship is so well that we may soon see you and her here.

We have no news here, but a strong report that a squadron of the Dutch are gone by in the Channel, and it is thought they intend to fall upon Captain Allen at Cadiz. *Polite expressions. P.* 1. *(Hol.). Conway Papers. Add.* to Lord Conway at Ragley. *Ibid.* 25.

15 Feb. MAJOR RAWDON to the SAME.

Lis[burn].

The droviers have come to a bargain and I send you word that you may take further security of their partners there for £190. Meantime I have taken Richard Jelson's bond for that sum which is to be paid at Ragley at Midsummer. This bond I have undertaken to surrender when I hear that you have got other good security from his friends there. I hope your lordship will approve this transaction. We think that, as cattle go here, they were well sold, and much ado and breaking off there were before they could be brought to £400 within £10; in all £390. There is now eighteen left that John reserves and hopes they are improving

[1] This fund is charged with many payments at this time and is thus described for brevity. For its full title *see above, p.* 533, *last entry.*

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cattle against the next year's stock. Towards this he expects your lordship's order for money, for I perceive that out of your pay there will be not near enough gotten and his market will be to be made before the next six months' pay come. I did stick much with these men at so long a day as Midsummer for this £190; but they affirm the £200 is not to be paid so soon. Besides these oxen they expect at least £20 to be lent them towards charges. Your lordship's letter imports this and I have told them they shall have it if they want it. Please write as soon as you have got the security for the £190, for they first ship half of them which they intend presently, and I should be glad to know you are secured there before they have away the rest, for which there will not be hay for above three weeks. Jelson and young Round are going to Donaghadee to get shipping for the small beasts. All the servants here are well, and also all the cattle, deer, horses, and colts. Your sister has not quite "shaken off her cold, but was so well as to spend the afternoon yesterday at *L'ombre* with my cousin Pen. Hill and her brother, who, with their mother and company, was with us at dinner." *Polite expressions.*

P.S.—"If your lordship had not restrained the sum that these men were to have here to £100 in case they should not buy your own cattle they had not dealt for one of them. At this rate [?] I believe they would have been furnished with £200 and affirm you told them your lordship would write over to that purpose. *Pp.* 1¾. (*Hol.*). *Conway Papers. Add. as foregoing letter from same to same. Endd.:* "Post paid to Coventry." *S.P. Ireland* 319, 26.

15 Feb. Mountmelech [Mountmellick].

JOHN BEIX to JOSEPH WILLIAMSON.

I have arrived in Ireland without waiting for the completion of the proceedings in the Bill of Settlement. I waited for that for eighteen months, as the Earl of Dover and I were concerned in it; but then thought it best to come over about my concernments which is an interest in a small iron work in the King's and Queen's County about 30 miles from Dublin. I had had no account of it for a great while, but at my being here find but small encouragement in that trade, "here being but small vent for iron, also a great deal of foreign iron brought in from Spain and Swedland, which beats down our price so that if I can meet with a chapman I shall desire to put it to seall" and quit my interest as soon as I can. I hear that Mr. Secretary Bennet is like to farm the postmaster's place here from the Duke of York as soon as Mr. O'Neale's term is up, in about two years. If so, no doubt he will put in his officers and agents as well in Ireland as in London and elsewhere. If you can obtain for me the chief office of the post house in London, I think I could give satisfaction. I have several languages and am good at accounts; but no doubt there are many applicants. If that post cannot be got I should like the chief officer's place in Dublin. The present holder of it is an Irishman put in by Mr. O'Neale. I shall not be ungrateful to you if this is done for me,

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and meantime shall be glad to hear from you of the "likelihood and procedure" of the business. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 27.

16 Feb. PETITION of SIR CONNELL FARRELL to the KING, showing that:—

The King, in consideration of petitioner's faithful services abroad, granted him by letters "under your Royal Signet," dated Whitehall, 14 April, 1663, £500 a year out of the forfeited houses, lands, &c. in Ireland, over and above all charges, as may appear by the King's letter, a true copy whereof is hereunto annexed. This bounty to petitioner has not yet taken effect.

He prays for a clause in the bill now being framed for settlement of Ireland either for securing him the benefit of the King's said grant or for granting him such compensation therefor out of the moneys reserved to the King by the said bill as the King may think fit. *P.* ½. *Underwritten with*—

Order, dated Whitehall, 16 February, 166½, *and signed by* Secretary Bennet, referring the petition to the Duke of Ormond and the other persons appointed to consider the aforesaid bill. They shall report what they think should be done for petitioner's satisfaction, *and endd. with*—

REPORT by the DUKE OF ORMOND and others on the foregoing PETITION.

We have considered this petition. The present bill reserves to the Crown the meane profits of the lands set out for English arrears and for satisfaction of adventurers upon the Doubling Ordinances; also the money which any person who was transplanted to Connaught, but since restored, and has sold his land, may have received for such land. We think that £2,000 may be paid to Sir Connell Farrell in compensation for not receiving the sum granted to him by your Majesty's letters "under your Sign Manual and Privy Signet," of 14 April, 1663; and that a clause may be inserted in the present bill for payment of that sum to him and his heirs, &c.—next after the payments directed to be made to Henry Coventry, Colonel William Legg, the Earl of Inchiquin, John, Lord Berkely, Lady Elizabeth Tyrrell and others already charged. *P.* ½. *Signed.* (*Hol.*). Ormond, Anglesey, Cork, Orrery, Henry Bennet, J. Temple, Conway and Kilulta, Kingston, Thomas Clarges, Thomas Piggott. *The whole, pp.* 1½. *Endd.:* "Read at Worcester House, 14 December, 1664." *Ibid.* 28.

[18 Feb.] PETITION to the KING of SIR CHARLES LLOYD, showing that:—

He is one of the adventurers for land in Ireland. For many years past he has been kept out of certain lands in Limerick, to wit

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Shanaclone,[1] &c., in co. Limerick and of Garrindeny [Garrendenny] in the Queen's County, set out to him as an adventurer, but is now restored thereto by patents given by His Majesty's special favour. He ought therefore to have been placed on a footing with other adventurers in Ireland. He is, however, advised by counsel that "for want of privity of contract, and by the rules of common law or any other ways, your petitioner is not enabled to sue for and recover the rents and mean profits of the said estate" which have been received and kept by other adventurers or their agents or tenants.

He desires only to be put upon a footing with the other adventurers and prays that a clause may be inserted in the new bill for giving him equal rights with them. *P.* ½. *Signed, and underwritten with*—

(1) Order, dated at Whitehall, 20 January, 166⅝, *and signed by* Secretary Bennet, referring the petition to Sir Heneage Finch, Solicitor-General, on whose report the King will declare his further pleasure.

(2) Report of Sir Heneage Finch, Solicitor-General.

Having been restored by his Majesty's letters, the petitioner should also be enabled by a clause in the bill now under consideration to recover the rents and profits thereof which still remain in the tenants' hands or have been received by Alderman Avery or other wrongdoers. *Six lines.* (*Hol.*). *Dated* 18 February 1664[-5]. *The whole, p.* 1. *Endd. S.P. Ireland* 319, 29.

18 Feb. Council Chamber, Dublin.

The Lord Deputy and Council to the Lord Lieutenant.

I, the Deputy, formerly sent copies of several examinations concerning some alleged contrivances by the Irish in the county Fermanagh to raise public disturbance there. Since then Philip Mac James Oge Maguire, who was bound over to appear here, appeared to answer in the matter, and was examined by a Committee of the Council together with Coll McCaufery [*sic*], the person accusing him. Each contradicts the other, and when they were confronted with one another, Philip said he had never seen Coll until about a fortnight before the time of his examination, when he had seen him at Sir Audley Mervin's house. On the other side Coll persisted in his charge, and added very probable circumstances to induce a belief that Philip knew him before. We are investigating the matter and meantime send the examinations of Philip and the re-examination of Coll which was taken before the Committee of this Board. We also send a first examination of Coll McCaufery taken before Sir Audley Mervin. *P.* ¾. *Signed by the* Lord Deputy and eight Councillors. *Endd.:* "With examinations concerning the intended rising in the co. Fermanagh." *Ibid.* 30. *Enclosing*—

(1) *See above, p.* 431, *lines* 11 *et seq.* for the list of lands, which is here repeated.

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1. *Copy of the Examination of Col. McCaufrey* [sic], *of Lisnaroge, co. Fermanagh, taken before Sir Audley Mervin on* 31 *December*, 1664.

Being duly sworn, deponent said that about a month ago he went into the woods of the barony of Lurge [*Lurg*] *with two men on some business. He does not know their names. In the woods he met a man of the Muldoones whose Christian name he does not know. This man spoke with the deponent's companions and said he had lately been at a place where there was a meeting of the Irish, and amongst them four men, one from each province in Ireland. The cause of their meeting was "to consult of a general rising against the Protestants"; but then they could not fix a time for the rising and put off the meeting till the day after Candlemas next. At that time they were again to meet, and then there would be some out of every county. His companions left him and went with Muldoone, whom he has not since seen. Going further into the woods he met with Cormack Oge O'Cassidy, priest of the parish of Maghriculmony* [*Magheraculmoney*] *Philip McJames Oge McGwyre* [sic], *and another priest. There were many other Irish standing near them. O'Cassidy called the deponent to him saying he had a secret to deliver to him which was "that the Irish did intend to rise, and spoke to this examinate to join with them and that he should be a corporal of foot; but this examinate refused it, saying that he had neither skill nor desire to be a soldier." O'Cassidy then swore him upon a book to divulge nothing and Philip McJames, when deponent was leaving, bid him keep the secret as his life. He heard Muldoone say that one of the other four persons was Mulmore O'Rely. P.* 1. *Sworn and examined before Sir Audley Mervin. Endd. S.P. Ireland* 319, 30, 1.

2. *Copy of Further Examination of the Same, taken before a Committee of the Privy Council of Ireland.*

Deponent has known Philip McJames above four years. Philip asked deponent to ride a horse in a race for him a year ago. He knew deponent well and called him by his name and was familiar with deponent's master, Thomas Bell, of Lisnaroge, meeting him in an alehouse in Lisnaroge and at christenings, weddings, &c. Deponent attended his master on these occasions and did cut tobacco and fill beer, &c., in Philip's presence. Philip well knows deponent's father, Rory MacCaufry [sic], *of Kilteriny, co. Fermanagh. Deponent has seen Philip and his father at mass together. P.* ¾, *with signature (not autograph) of McCaffry or McAufrey, and countersigned (same) by eight members of the Council. Dated* 10 *February*, 1665. *Endd. Ibid.* 30, 2.

3. *Further Examination of the Same.*

On being confronted with Philip McJames, Coll MacCaufry repeated his former depositions in Irish and English and added information as

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to an occasion when Philip McJames and deponent's master were at the funeral of John Oge McGlesher at Templemaghery, co. Fermanagh [Magherintemple, co. Cavan?] with Owen O'Cassidy, the priest, about eighteen months ago. On this occasion the priest, deponent's master and Philip McJames left the rest of the company and went into a neighbouring wood, where they drank aqua vitæ *together. Philip McJames denied all, and that he was at the said funeral. P.* ½. *Dated and countersigned as foregoing. Endd. S.P. Ireland* 319, 30, 3.

4. *Copy of Examination of Philip McJames Oge Maguire, of Formoil [Formil], co. Fermanagh, taken before the Committee of the Privy Council of Ireland.*

Knows the priest O'Cassidy. Never saw Coll MacAufery till less than three weeks ago, when he saw him at Sir Audley Mervin's house of Trillick in the co. Tyrone. Denies all the other facts alleged by MacAufery against him. P. ½. *Signed (not autograph) with Maguire's mark, and countersigned as foregoing. Endd. Ibid.* 30, 4.

18 Feb. Dublin. ISABELLA, LADY GRAHAM, to [VISCOUNTESS CONWAY AND KILLULTA].

I "cannot without some blushis" ask a favour of your ladyship; but one Alderman Sir Erasmus Smith, is endeavouring to get a proviso inserted in this bill now in hand "wherein though his aim is at greater concerns than Sir James Graham's" yet such a proviso might do us the greatest "prediudise" for it would take most of our small estate from us. Sir James is much a stranger to the country, and has lost his best friend, my deceased father, for whose sake he came into these parts, and neglected greater advantages from the King. If he had lived thus long we had not been so great "loweseres" by it, for he would and could have supplied such a house; but he thought those lands were secured to us and so are all our counsel still of the same opinion. Sir James left London believing that there would be no provisoes in the act, but I am told there are several, and therefore pray that you will use your interest with your brother, the Solicitor-General,(1) to give his assistance that Sir James may have a particular *proviso* in this bill, which he has been promised—if there should be any such proviso—by several great persons. If he cannot have such a *proviso*, I ask for a *salvo* for his lands to be put in Smith's *proviso*. He holds these lands by a grant from the King confirmed by patents under the Great Seal. *P.* 1. (*Hol.*). *Conway Papers. Ibid.* 31.

21 Feb. Moor Park. The DUKE OF ORMOND to SECRETARY BENNET.

I return you the Dutch letters as soon as I could read them. The news they contain is serious and requires speedy reflection.

(1) Viscount Conway married in 1651 Anne, daughter of Sir Heneage Finch the elder. *See Dict. Nat. Biog. XIX. p.* 8; *and The Complete Peerage II. p.* 346.

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The matter of the Talbots was from the beginning only considered by me as I have the honour to serve the King in some places of trust. I submit entirely to his decision and shall act in it as I shall be directed by him without any thought for myself. I hope my "lameness" will be enough cured to let me be at Whitehall by Thursday, "that I may drive on those determinations that may hasten my return to my charge, where, for want of a wiser there may be use of

Your most affectionate," &c.

P. 1. (*Hol.*) *Endd. S.P. Ireland* 319, 32.

22 Feb. Sir George Lane to [Secretary Bennet].

In my Lord's absence I think it right to try and procure the King's warrant for "respiting the burning in the hand of his Grace's servant, Rennè Mezandiere," who was found guilty to-day, of manslaughter only, at the Old Bailey. The respite should be obtained immediately, as the sessions end to-night and the judges must first see the sentence executed. *P.* ⅔. (*Hol.*). *Endd. Ibid.* 33.

[22 Feb.] Draft of the King to the Lord Lieutenant for Folliot Wingfield.

In remembrance of the services[1] of Sir Richard Wingfield, late Viscount Powerscourt, and conceiving great hopes of Folliot Wingfield, grandson of Sir Edward Wingfield, whom Sir Richard Wingfield nominated as his heir, and as the honour of Viscount Powerscourt is extinct, we "to continue the memory of the said Folliot his so deserving ancestors and to encourage the said Folliot to imitate their noble services" direct you to pass patents, without fine, creating him Viscount Powerscourt. He shall have place and vote in Parliament, Councils and Committees, and all other privileges attached to the honour. *Pp.* 1½. *Endd. Ibid.* 34.

24 Feb. Note of the King to the Vice-Treasurer of Ireland for John Horneby.

£2,000 to be paid to Horneby for secret service. *Two lines. Signed (not autograph):* H. B. [Henry Bennet]. *S.P. Ireland* 318, *p.* 85.

25 Feb. Note of Same for Henry Lewis.

£2,000 to be paid Lewis for secret service. *Two lines. Signed as foregoing. Ibid.*

(1) Described at some length as in the "Narrative and Suit" *above pp.* 60-61, *q.v.*

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DOCUMENTS RELATING TO THE CASE OF THE CUSTOMS OF LONDONDERRY.

General date 27 Feb. Draft of the King to Sir Thomas Adams, Governor of the Society of the New Plantation of Ulster.

Application has been made to us on behalf of the Society of the new plantation in Ulster for restoring the customs, &c., of Londonderry, Coleraine, &c., in Ireland, according to a grant made to them since our Restoration. We have considered the application and find that the chief support of our army in Ireland depends on the revenue which is derived from the customs; and that these customs are set for all Ireland, in one farm, so that if a separate commission were allowed for those desired by the said Society, we should lose heavily by defalcations. This we have formerly signified to the Society by the Lord Lieutenant of Ireland, and how necessary it is that these customs should be kept in our hands; and we are ready to compensate the society for their interest in them, "without entering further into the merit of the case. And, waving all advantages and disputes at law which (as is suggested unto us) will arise in the case, and what may be said against our restitution of the same to the said Society, such is our affection and tenderness to the said Society and our City of London and their concerns therein that we are rather inclined to interpret our said grant according to their apprehensions of our grace and favour therein than of any strict construction which the law may put upon our intentions in the said grant." For this purpose we have appointed Sir James Shaen (who was formerly interested in our behalf in this particular and [is] now employed by the farmers of the Irish customs) to treat and conclude with you concerning the interest of the said Society, according to instructions received by him from the Lord Lieutenant. We do not doubt but that, "upon consideration of our grace and bounty in granting the same, and of the great prejudice which we shall suffer if we lose those customs, the Society will on fair terms comply with our desires herein." *Pp.* 1½. Dated Whitehall, 18 February, 1665. *Underwritten in another hand*, To Sir Thomas Adams, Governor, &c. [*as in heading*] to be communicated to the Assistants and rest of the Society. *Endd. Ibid.* 35.

Also note of same, described as "to Sir James Shaen to treat with the Society of the New Plantation," &c. *Three lines. S.P. Ireland* 318, *p.* 88.

Copy of Instructions from the Lord Lieutenant to Sir James Shaen concerning the purchasing of the customs of Londonderry.

Procure a surrender or release to the King from the "Society of the new plantation of Ulster" of all their interest past and future in the customs, tonnage, &c., of the port of Londonderry, Coleraine, &c.

Endeavour to get Kilmore [Culmore] Castle put into the King's hands.

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It will be looked upon as a good service to the King if the interest of the said Society and their lessees and all others pretending or claiming under them to the said customs can be purchased clear out for the moneys at which they were proposed to be purchased in the letters sent by you to the King from me the Lord Lieutenant and Council of Ireland—vizt., £10,000.

In the manner of this you are to use your discretion so as the whole do not exceed £10,000, without further directions from me.

Use diligence herein and give me from time to time an account of your proceedings. *P.* ⅔. Dated 24 February. *Signed (not autograph) by* the Lord Lieutenant. *Endd. S.P. Ireland* 319, 36.

Copy of the Humble Proposals of the "Society of the Governor and Assistants, London, of the new Plantation in Ulster" in answer to the King's letter of 18 February, lately delivered to them by Sir James Shaen touching compensation for their customs.

They ask:—

(1) That in compensation for their said customs hitherto received and detained by the farmers of His Majesty's customs in that kingdom they may have remission of the high rent and the arrears thereof due and to be due by them at Lady Day next, 1665, and a *quietus est* from the Exchequer *gratis* for the same.

(2) That the King will release them from the covenant in their present charter touching the garrison of Culmore Castle in such a manner as counsel shall advise so that they be no further charged towards the defence and security thereof than formerly, that is with a captain, gunner, matros and ten warders. They paid these as follows:—

Captain, for himself and officers, £52 a year and 300 acres of land.

Warders, £91 5*s*. per annum besides arms and ammunition.

If an emergency should at any time arise, any provision which may have to be made for defence of the fort to be made at the King's charge.

(3) £6,000 to be forthwith paid to the Society if they shall release their right and interest in the customs. *P.* ⅔. Dated Guildhall, 27 February. *Endd. Ibid.* 37.

This concludes the documents relating to this case.

March, 1665.

[2 March.] Petition to the King of William Hamilton, Esq., showing that:—

The Act of Settlement provided that so much of the manor and lands of Kinnard, lately the estate of Sir Phelome O'Neale as is in the co. Tyrone, should be settled upon the petitioner in satisfaction of several arrears of pay due to him for services in the war of Ireland under King Charles I.

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Several years before the beginning of the late rebellion, the said Sir Phelome O'Neale granted to Robert Hovendon, Esq., and his heirs in fee farm (under the yearly rent of £20 sterling and certain services, chieferies, &c., usually reserved upon such grants to be paid and performed by Sir Phelome and his heirs the following towns or denominations of lands, vizt.,

Ballinameatagh [Ballynametagh].
Drumgosse [Drumgoose].
Cristale Otragh [Crossdallagh outragh].
Glastroman [Glasdrummond].
Cristall-etragh [Crossdallagh-ertragh].
Dromaghieghean [Dromokikeen].
Skierie.
Unchoge [Nunshoge].

Beraughny [Brackney], and Lislanie [Lislane, co. Tyrone], being part of the said manor though lying in the co. Armagh. The rent and services have come to the King by the forfeiture of O'Neale, but have hitherto been concealed and never brought into charge in the Court of Exchequer.

Petitioner prays, in addition to the King's former favours, for a grant of this rent and chieferies. *P.* ½. *Underwritten with*—

Order, dated at Whitehall, 2 March, 1665, referring the petition to the Lord Lieutenant. On his report the King will state his further pleasure. *Endd. S.P. Ireland* 319, 38.[1]

4 March. Lisburne. ADAM LEATHES to VISCOUNT CONWAY and KILLULTA.

I am very pleased that your Lordship is satisfied with my accounts, and hope that my next set may also give satisfaction. Since I wrote on January 21 I have paid £50 to Major Rawdon, who lent it to me to make up the £700 sent over.

I have also paid	£	s.	d.
To Mr. Thelwell for the third and fourth subsidies levied to your lordship - -	60	0	0
For chief rent, due Michaelmas, 1664 - -	8	15	2
To the Earl of Down for his last All Saints' rent	24	0	0
To Colonel Conway for the February quarter -	30	0	0
To Mr. Sparkes besides the charge of return -	44	odd	
John Totnell's bill for boards - - -	2	5	0
Mr. Cooper for his hay - - - -	1	0	0
Mr. Cooper for oats for the stable - - -	6	0	0
Richard Jeilson upon his bond towards defraying over the cost of his oxen - - -	20	0	0

Allowed to Major Rawdon in his All Saints' rent 62 odd, which completes the payment of £155 4*s.* 1½*d.* due to him on account of the disbursement for your lordship before you went over.

I have not above £5 left in my hand towards clearing Isabel Johnson's bill of £22 10*s.* for her gold, the charge of the return of the £700, and Dr. Colvill's interest money for All Saints which was never yet demanded.

[1] Mr. Grattan Flood has kindly sent me the modern equivalents herein.

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There are some other payments to be made for wages, and the charge of improvements to be made here this spring, that will come within the All Saints' account; but as near as I can compute all things together, your lordship's computation will prove right. The All Saints' rent will hold out to satisfy Isabel Johnson's £200 and Dr. Colvill's single £100. If I can jointly raise these sums up against the month of May when their next half-year's interest is due, and pay them off principal and interest, I shall think it well, and hope your lordship will be of the same mind. This is the worst time of the year for getting in rents, and what is in arrear now lies in the hand of the poorest tenants.

Other details of estate management. Francis, the gardener, has raised the wall of his house and wants £10 to finish it. I have given your orders to John Totnell. Some of the tenants have sent in late bills for butter and so forth, certified by him, but I will not pay them without your consent or trouble your lordship with belated claims. Since I cleared with Mr. Thelwell the assignment he had upon me in the last six months' pay for your lordship's subsidy and the chief rents "he left in my hands on the Buffcoat account" for Mr. Wait, £59 2*s.*, I am looking for a bill of exchange to return it, and, when I find it, shall make it payable to you "that before he receive it your honour may get the Buffcoat money acknowledged by him upon his bond."

Jam[es] Stalker, the next dwelling neighbour to your house has incurred a great loss by fire. His house and stables were burnt and his property destroyed or stolen during the burning, so that he had to withdraw to the bare walls of his new house. Major Rawdon, Lord Downe and the Bishop of Connor have given, respectively, £3, £2, and £1 towards his relief. I have collected £10 more for him. Perhaps you will be able to do something more than grant him woodleave *gratis* when he is able to build again.

P.S.—When I am able to repay Isabel Johnson her £200 loan, I shall need your orders inasmuch as one-half of it was lent in gold. For this I know that she will expect an allowance. *Pp.* 1¾. *Signed. Conway Papers. Add.:* "to be left with Mr. Lisson at the post house in Coven[t] Garden." *S.P. Ireland* 319, 39.

6 March. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for THOMAS HUMES.

Refers to the *custodiam* lately[1] granted to Humes and his executors, &c., of the lands of William Moore. Directs that patents be passed granting him these lands for thirty-one years from next Easter, at the rate of rent payable by the adventurers and soldiers in the parts where such lands lie. The arrears of rent due since Moore's outlawry to be paid to Humes. *Pp.* 1¼. *S.P. Dom. Signet Office VI. pp.* 69-69*d.*

Also note of same. *S.P. Ireland* 318, *p.* 84.

(1) *See above p.* 454.

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7 March. Dublin. J. Hughes to Joseph Williamson.

Mr. Bathurst's long absence must plead his excuse for his long silence, nor is there now much to offer. Alderman Pennington was robbed by ten or eleven men near St. James's Church in the suburbs of Dublin. They stole his plate and a considerable sum in money. The plate is recovered, but not the money. Eight of the thieves are taken and say that there are several housekeepers in the confederacy, nigh thirty, and that they heard of £500 was bringing from Kilkenny to my Lord Deputy and designed to intercept it. "Locker's pills suffer for some supposed prejudice happening of late to divers in this city, though more acknowledge to have received good by them. How just the imputation charged upon them is, time may show." There is much mourning at the Castle for the reported death of my Lady of Ossory's father. *P.* ½. (*Hol.*) *Add. Endd. S.P. Ireland* 319, 40.

10 March. Whitehall. The King to the Lord Lieutenant for Sir William Penn.

Directs that patents be passed granting him and his heirs all the lands in co. Cork, whereof he is or ought to be possessed by any grant, lease, or *custodiam* from the King. Beneficial clauses. *P.* ⅔. *S.P. Dom. Signet Office VI. pp.* 69*d*-70.

Also entry of same. *P.* ½. *S.P. Ireland* 318, *p.* 86.

11 March. Dublin. J. Hughes to Joseph Williamson.

I fear the absence of our first mover will continue our stop of news. His "worthy son and Deputy" was very active in ordering the motions of his soldiers at a muster on Thursday last "upon Phœnix Green, and did perform it with much conduct and satisfaction, whose vigilancy and care extends itself through this whole kingdom with such successful influence that our quietness remains without the least of interruption, notwithstanding the untowardness of several inclinations. We doubt our delay of the intended expansion of the many houses begun in [and] about the city and liberties of Dublin, because a great scarcity of deal may happen by reason of the Dutch war already proclaimed, the most of these late buildings having no other timber." We have had much robbing both in town and country; but expect some check by the execution of justice in the judges' circuits. I shall send any news which comes in. *P.* ¾. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 41.

11 March. Memorial concerning the '49 Officers.

It is desired on behalf of the '49 officers that, in regard several sums of money were paid to the armies of Ulster and Munster for service in Ireland before 5 June, 1649, by the Parliament of England, entries whereof were made in the books of the Committee

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of Derby house, these books (which are now in the hands of the Clerk of the House of Commons and of no use in England) may be delivered to the agents of the '49 officers to be sent to Ireland.

P. ½ (*small*). *Endd. in* Sir George Lane's *hand :* "Memorial, &c. [*describing substance*] given me 11 March, by his Grace's direction by Mr. John Keating, on behalf of the '49 men. Read at Worcester [House ?],[1] 14 March, 1664." *S.P. Ireland* 319, 42.

14 March. Lisburn. MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

My cousin, Conway Hill, will present this. He has also the counterpart of Mr. Currance's mortgage and another deed not perfected. He "intends by the way of Scotland," so I suppose he will not reach London as soon as my letter by to-morrow's post may; also I suppose he will stay two or three days with his "ant" at York. Newell, the Deputy Commissary mustered your lordship's troop last week and found it (I believe) the best in Ireland. He is not so easy as a former acquaintance, but could not put any check upon it, for the horses are in very good case, and there was not a man absent but the three on duty in Dublin, and in three hours' warning (not having any notice before) he mustered them. We went out to the Race, where I was with them, and he went thence to Belfast.

We all hope Lady Conway is better and that we shall next hear from you from London. A great storm this two days has kept the post till late last night. The Bishop of Down and his lady are to be here with us next week, when I shall give him your letter. He and his successors owe much to your lordship's kindness and care. "He is at present full of thoughts and resolves (if it alter not) to go into England this summer and winter there and I hear is preparing court-sermons already." I could not have the Dean's approbation of your lordship's letter, he being gone to Carrickfergus for the Assizes. The judge (Sir Richard Kennedy) is now at Armagh, and, I suppose, will quarter here on Friday night. "I have notice of four confidents of the Irish that wait upon this circuit in Ulster to meet with their countrymen at the Assizes with less suspicion and contrive to pursue the design of a rebellion." I have sent John Dogherty to Armagh to see if he can find out any of them. "Their names are O'Ryley, O'Dogherty, Saule and Nugent, and I am told four more are employed to follow the circuits in every province. If they come to Carrickfergus or Down I hope I shall light on them, for I intend to both places." The cattle have, I suppose reached Dublin to-day, and I wrote for provision for them on the way. I am glad your lordship has security for £200 more there.

Details. It will be well if they [the dealers who bought the cattle] have a good bargain by the price of cattle rising in England; but we all thought here they would be losers.

(1) Lord Clarendon's residence, where the Privy Council sometimes met.

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P.S.—As my cousin is unwilling to start by Scotland till the weather improves, I send you this by the packet. Dr. Colvill came here last night and will stay till after the Judge pass by, "and is very merry after his old fashion." He will receive or continue your money as you please. *Pp.* 2½. (*Hol.*). *Conway Papers. Add. Endd. S.P. Ireland* 319, 43.

14 March. Whitehall. The KING to the LORD LIEUTENANT, LORD DEPUTY and COUNCIL for the CITIZENS of DUBLIN.

We have considered the letters which you our Deputy and Council of Ireland sent to you our Lord Lieutenant of Ireland[1], dated 15 February, 1664[5], the petition of the Mayor, sheriffs, commons, and citizens of Dublin, presented to you, and your, the Deputy and Council's, answers to the same. We consider the great service of those citizens to our father's cause, whereof he took notice in his letters dated at Oxford, 23 February, 1643[4], to the then Mayor, Recorder, sheriffs, and commonalty of Dublin, in which he declared that, on the word of a King, he would in due time remember their services. The citizens of Dublin early appeared for us in order to our Restoration, and we are resolved to reward them "in such a way as may deliver over to posterity for their honour the gracious sense we have of their services, merits, and sufferings." As a testimony thereof, we have thought well to declare to you our "resolutions taken upon those their humble desires and hereunder written by way of postill to their said desires" and authorise you to see that they be hereafter duly performed. You shall pass patents granting them, &c., the ferry boat over the river of Analiffey and a pension of £500 a year to be paid half-yearly out of the Irish revenue by the Vice-Treasurer and General Receiver there, the first payment to be paid next Michaelmas. This pension shall be placed on the establishment of the Civil List now preparing in Ireland. You shall give directions to the Court of Exchequer for remission of all the arrears of rents due to us which are mentioned in our answer to the seventh of their humble desires; and the said rents shall be for the future reduced to £20. *Full and favourable clauses. Pp.* 3. *S.P. Dom. Signet Office VI. pp.* 80*d*, 81 *and* 81*d.*

Also note of same, and note that after the letter had been signed by the Duke of Ormond [for recommendation to the King] the papers on which it was grounded were kept by Sir George Lane for the Duke's justification. *Three lines and marginal note. S.P. Ireland* 318, *p.* 92.

15 March. NOTE of the KING to the VICE-TREASURER of IRELAND for the '49 OFFICERS.

£5,210 out of their own security to be paid to the committee for managing the affairs of these officers. *Three lines. S.P. Ireland* 318, *p.* 85.

[1] Still residing in England.—Ed.

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17 March. [Dublin.] SIR WILLIAM DOMVILE to [SECRETARY BENNET].

I heartily thank you for your favours and send you information as to affairs here. A bill will very soon be transmitted for granting eight subsidies—to be paid in four years by two subsidies in a year—to the King. The Lord Deputy directed me to draw the bill and I thereupon gave my opinion that it would not do the work, for a subsidy in this kingdom amounts to but £15,000. The "certain charge" of the revenue here is certainly above £30,000 a year above the income of the revenue. Indeed, within the last four days, it has been computed by His Majesty's Auditor-General, and it appears that the King's annual charge amounts to £30,800 and odd more than any certain revenue in the kingdom to discharge it with. This is stated upon a supposition that the King's revenue, as it now stands, will hold on at its full rate. This is doubtful, for [one]* branch of the certain revenue is out [of]* the farm of the customs and inland excise, which are now [farmed]* at a yearly rent of £94,000. But the King has covenanted to allow [deduction]* in case of decay of trade, which it is much feared will [follow]* upon the hostility declared against the Dutch. The certain revenue will consequently fall.

"Again it is considerable that we live in an island and the Dutch are numerous at sea and may surround us on all parts; and it will be advisable to have His Majesty's inland army well supplied that they may be in a readiness to move upon all occasions" whether to repress domestic disaffection or to withstand foreign invasions. This cannot be done if money is wanting. Four subsidies a year at least should therefore be raised and that would be no more than what had formerly been paid for the space of three years last past. No doubt, too, the House of Commons will be sensible of the duty incumbent of them to preserve and support the Crown and Government at this time.

"I moved my Lord Deputy to offer the whole matter to the Board upon the bringing in of the bill and went immediately to His Majesty's Secretary of State here and acquainted him with my conceptions, who well liked of them and advised me to speed the bill, which I presented within two days." It is now agreed on by the Privy Council here, but no more than two subsidies to be raised in a year; and it will be "suddenly" transmitted. "The principal reasons which induced them to take this way was that the Act of Settlement now before His Majesty is not yet returned, and most here are unsettled in their interests and proprieties and possibly the House of Commons may be tender in granting any further aid till that bill be first returned. But if any domestic or foreign troubles shall happen or arise and His Majesty want necessary supply for his army, will not they be then more unsettled and however their titles [be]* not then adjudged yet their possessions continue and they receive the mean profits of their lands all this while. And this [ai]d desired is a matter brought on by the necessity of the country and merely for the safety of the public,

* The document is imperfect here. The words in brackets are an attempt to supply what is missing.

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which is to be preferred to all private considerations. But I pretend not to state affairs and therefore submit to my Great Master in state and policy. Moreover, upon consideration of this matter, I took to thought how proper it were that, out of the great and many forfeitures in this kingdom, His Majesty might have a sufficient revenue to support his government and affairs here, and considering by what ways and means the same might be affected without frequent recourse to the subject which (as some conceive) draws too much dependency of a Prince upon his people, and lessens that grandeur and magnificence which is peculiar to a free monarch to have always sufficiency of revenue in his own hands, both to encourage those that do well and to suppress evildoers and the rebellious at all times, except in case of public hostility and invasion; and then, as the whole is equally concerned, so ought it likewise to bear an equal part. Upon consideration of this it came into my thoughts that if His Majesty do retain in his own hands that one advantage which is reserved unto him by the Act of Settlement, page 33, and not give it away by this new bill, it may do his work; for there it is said that if any suggestion shall be made to the Lord Lieutenant or other chief Governor of this kingdom, that lands which come under the notion of unprofitable yet are profitable and shall so appear by inquisition, such lands shall be seized into His Majesty's hands to supply deficiencies or make reprisals." I have examined the Surveyor-General's books on this matter and have an extract under the Deputy-Surveyor's hand that there are above 1,000,000 acres within the several counties set out under that notion (beside many thousands which lie concealed, as in co. Tipperary above 100,000, in Meath and Westmeath above 60,000, in Kilkenny above 30,000, in King's County and Queen's County above 50,000, in Limerick above 30,000, and the like in other counties. I only instance in these particular counties, for it is known that in these counties there is hardly an acre of land but what will yield His Majesty quit-rent; and if it do so it cannot be said to be altogether unprofitable. If the adventurers and soldiers [have such lands to]* supply deficiencies and reprisals they must pay [such quit-rent?]* If that be made good to His Majesty, he will hav[e an increase]* of his certain revenue without injury [to any man]* whatsoever; for these lands are not part [of the adventurers']* or solders' satisfaction and therefore are res[erved to the King]* by the express words of the Act in manner as [his own?]*

I recommend this to your consideration and that of the Lord Lieutenant. If it be approved and I have countenance to [continue]* in it, I doubt not but "to make it facile and easy to be effected and of great advantage to His Majesty's service, which is the only aim and design, Right honourable, of

Your honour's most obedient faithful servant,

WILLI. DOMVILL."

Pp. 3. (*Hol.*). *Endd. S.P. Ireland* 319, 44.

* The document is imperfect here. The words in brackets are an attempt to supply what is missing.

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About 20 March. STATEMENT of the RECEIPTS of the REVENUE in the IRISH TREASURY for the year ending 20 March, 1664.

	£	s.	d.
The old crown rents	9,361	10	0
New rents	467	5	6
Composition rents	351	13	6
New quit rents	38,042	5	1
Rents of impropriate rectories, &c.	109	11	3
The excise and customs	55,490	18	6
The inland excise	30,274	15	9
Fines for licence to sell beer and ale, &c.	3,379	0	0
Green wax, &c.	3,306	6	3
Goods of felons and fugitives	51	10	8
The profits of the hamper office	240	15	0
First fruits and twentieth parts	493	2	6
Hearth money	11,637	5	8
	153,205	19	8

P. ¾. *Halfpence and farthings omitted. Signed by* the Earl of Anglesey. *Endd. S.P. Ireland* 319, 45.

20 March. ENTRY of the KING to the EARL OF ANGLESEY and the other TREASURERS of the ADVENTURERS' MONEYS for GEORGE HOPKINS, JAMES HAMILTON, and the EARL OF ORRERY.

In accordance with our letters of 24 September and 23 November last and with these, you shall pay to Hopkins and Hamilton out of the funds which come into your or Lord Orrery's or Massereene's hands out of or for the rents, &c., appointed for satisfaction of the '49 officers, so much money as, by certificate from you or your deputy, shall appear to have been already advanced and paid out of the Treasuries of England or Ireland upon any account for or towards the expenses of Commissioners, &c., under, and generally for executing, the late general Declaration, and the instructions under it and the late or any future Act of Settlement. This payment shall be by way of satisfaction for any money paid out of our said Treasurer for those uses or services. Our further pleasure is that after paying £6,000 to Hopkins and Hamilton according to the former orders above mentioned and £4,000 to the Earl of Orrery. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 87-88.

Same. SAME for SIR CONNELL FARRELL.

Directing that a proviso in the sense of the annexed report concerning the payment of £2,000 to Sir Connell Farrell, in lieu of the £500 ordered to him, be inserted in the bill now under consideration for the settlement of Ireland. *P.* ½. *Ibid. p.* 88.

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22 March. Whitehall. COPY of ORDER by the KING in COUNCIL.

Directing that the word "Ireland" be revoked from the Order in Council of 6 March, dispensing with certain clauses of several acts concerning trade, shipping, and navigation. The order, as amended, to be reprinted. *P.* ½. *Endd. S.P. Ireland* 319, 46.

Same. COPY of FURTHER ORDER of the SAME.

The farmers of the customs again represented to the King that the clause relating to Ireland in the late order of the Board of 6th March [*see foregoing*] will cause serious loss to the English customs. It is ordered that the said farmers do forthwith attend the Lord Treasurer and the Lord Ashley, Chancellor and Under-Treasurer of the Exchequer, in order to altering the order by leaving out the word "Ireland" in the several clauses thereof, "to prevent the great loss that will accrue to His Majesty's customs here in England by permitting ships that come from the plantations to unlade in Ireland."

In consequence whereof their Lordships, being attended by the said farmers of the customs, resolved upon the ensuing order and that it should be reprinted and bear date 22 March. *P.* ¾. *The "ensuing order" is missing. Endd. Ibid.* 47.

Same. PRINT of ORDER in COUNCIL.[1]

Present:—
The King.
The Duke of York and Prince Rupert.
The Archbishop of Canterbury, Lord Chancellor, Lord Treasurer and Lord Privy Seal.
The Dukes of Albemarle and Ormond.
The Marquis of Dorchester.
The Earls of St. Alban[s], Sandwich, Anglesey, Bath, Carlisle, Lauderdale, Middleton and Carbery.
Lords Arlington, Berkeley and Ashley.
Mr. Treasurer, Mr. Vice-Chamberlain, Mr. Chancellor of the Duchy and Sir Edward Nicholas.

The King has to-day, by the advice of the Privy Council directed the revoking of the word "Ireland" in the order of the Board of March 6 for dispensing with certain clauses of several acts concerning trade, shipping, and navigation. This order was not intended to extend to Ireland, but does at present extend there.

Signed John Nicholas.

[Amended] order in Council.

An Act of Parliament entitled, &c.[2] and confirmed by the Parliament of 1661,[3] and all proceedings therein or thereby directed shall be totally suspended in all things therein contained

(1) Already briefly calendared in *Cal. of S.P. Dom.* for this date; but the full substance of the order is not given.
(2) *See* the Act of Navigation, 12 Car. II., cap. 18.
(3) *See* 13 Car. II., cap. 14.

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relating to ships or vessels, their masters or mariners, their guns or furniture, tackle, ammunition or apparel, or any goods imported from or exported to Norway or the Baltic Sea.

The same with regard to any ships their masters, men, guns, &c. or goods, &c. [as before] &c. to or from any parts of Germany, France or Flanders, whereof the merchants and owners shall be the King's natural born subjects.

Not only the King's natural born subjects, but all merchants of any nation in amity with the King, may import from any ports whatsoever, hemp, pitch, tar, masts, saltpetre and copper, and, upon importation thereof, shall be liable to pay only such duties as by the Act of Tonnage and Poundage are imposed on the King's natural born subjects.

Notwithstanding anything in the Act of Navigation or the Act of 1661 "for the encouragement of Trade"[1] it shall be lawful for any English merchants to make use of or employ any foreign ships or vessels whatsoever navigated by mariners of any nation in amity with the King, for exporting or importing goods to or from any port in England and Wales, to or from any of His Majesty's plantations; provided that no goods shall be taken to His Majesty's colonies but such as shall be laden and shipped in, and carried direct from, England or Wales to such plantations; and that all goods shipped from the colonies shall be brought direct to England or Wales.

All Governors and Officers of customs shall see the regulations of the aforesaid Acts enforced except such as are hereby relaxed.

This proclamation to remain in in force till six months after its determination has been satisfied by the King. *P.* 1. *Signed by the* Dukes of Buckingham and Albemarle and Ormond, the Earls of Lindsey, St. Alban[s], Anglesey, Bath, Carlisle, Lauderdale, Middleton and Carbery, the Bishop of London, Lords Berkeley and Ashley, and Secretaries Morris and Bennet. *Countersigned by* John Nicholas. *London, printed by* John Bill and Christopher Barker, printers to the King. *S.P. Ireland* 319, 48.

[Same.] PETITION of THOMAS WYSE, merchant, to the KING, showing that:—

The petitioner being a merchant of London had, in the time of the late rebellion in Ireland, an estate fallen to him by the death of others who were in remainder before him. He exhibited a claim for this estate to the Court of Claims and was thereupon restored and is now in possession.

For his further assurance he prays for a grant of the lands by letter patents. *P.* 1. *Ibid.* 49; *underwritten with*—

Order, dated 22 March, &c. as foregoing petitions, referring the petition to the Duke of Ormond, *and endd. with*—

[1] 13 Car. II., cap. 14[?].

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REPORT of the DUKE OF ORMOND on the foregoing PETITION.

Recommending that letters be sent to the Lord Deputy of Ireland directing him to examine the allegations of the petitioner, and, if they be true, to pass the patents prayed for under the Great Seal of Ireland. *P.* ½. *Signed. Endd. S.P. Ireland* 319, 50.

Before 25 March. WARRANT under the SIGN MANUAL to the SOLICITOR-GENERAL [of ENGLAND].

To prepare a bill for the Royal signature containing a grant from the King and his heirs to Peter Harvey and Alexander Bence of the duties of excise and new impost payable to the King in Ireland arising upon "ale, beer, *aqua vitæ*, strong waters and other exciseable liquors;" also a similar grant of all the duties and impositions arising to the King, &c., from the recent Irish act for improvement of the King's revenue on the granting of licences for selling ale and beer. A clause to be inserted securing to the farmers the power to request the Lord Lieutenant or Chief Governor and Council to appoint Commissioners whom they name; and that such Commissioners alone have the management of the Customs. One half of the fines for breach of the excise law to go to the informer and the other half to the farmers, who shall account for the same into the Exchequer in Dublin. They shall hold for years from 25 March, 1665, at a rent of £39,000 a year payable into the Exchequer in Dublin being paid quarterly.

A penalty in case of non-payment for eighty days after any of the usual quarterly feast days. The first payment to be made on 24 June, 1665. Usual clauses to be inserted for execution. *P.* ¾. *Countersigned by* Secretary Bennet. *Endd. Ibid.* 51.

Also draft of same with slightly more favourable conditions. The farmers to have the clauses given to the farmers of the customs in London. The term and other details left in blank. *P.* ⅛, *with corrections in margin. Endd. Ibid.* 52.

General date 24 March. DOCUMENTS RELATING TO THE CASE OF COLONEL MARMADUKE DARCY.

The Earl of Orrery to Colonel "Duke" D'Arcy.

I am glad to help you both on account of your merits in the King's service and of His Majesty's sense of those merits.

The sums reserved to the King under the Act now under consideration for Ireland are [*see* the report on Farrell's petition above, *p.* 541, for enumeration of the sums]. These are offered to be farmed at £26,000 a year and the King has already granted £24,000 out of that revenue. If the King is pleased to grant you £3,000 on it I hope that such a sum may be gotten for you notwithstanding former orders "since if the farmers will give £26,000 'tis rationally

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to be believed it may amount of £1,000 in £26,000 more than they will give." You must lose no time in this; and if your grant passes through Secretary Bennet's hand he knows the forms for drawing up of the order. Lord Berkeley's, Colonel Villars' and others have passed this office. I wish you success. *P.* 1. (*Hol.*). Dated 21 March, Pall Mall. *Add.* to "Colonel Duke Darcy" at Whitehall. *S.P. Ireland* 319, 53.

Note of Warrant to the Vice-Treasurer of Ireland.

For paying £3,000 to Colonel M[arma?]duke D'Arcy upon the doubling ordinance. The form to be as that in Colonel Villiers' case. *Three lines. Underwritten:* "By His Majesty's command, Arlington."[1] Dated 24 March. *S.P. Ireland* 318, *p.* 86.

This concludes the documents relating to this case.

25 March. Entry of the King to the Solicitor-General for Sir William Domvile.

Directing that there be inserted in the bill now under consideration for the settlement of Ireland, a proviso confirming to Sir William the lands, &c., in Ireland granted him by patents dated 26 November, 1663. *P.* ½, *S.P. Ireland* 318, *p.* 89.

27 March Same to the Vice-Treasurer of Ireland for Lady Anne Sutton.

Directing him to pay her £1,000 out of the funds which will be provided by the new Act of Settlement for the relief of those who have most eminently served the Royal cause.[2] *P.* ⅔. *Ibid. p.* 90.

Same. Same to the Treasurers of the Adventurers' Moneys for Sir Samuel Morland.

Directing them to pay him £1,000 out of the sums in, or coming into their hands under the Declaration and Act of Settlement. *Favourable clauses and details. P.* 1. *Ibid. pp.* 90-91.
Also draft of same. *Pp.* 2½. *Endd. S.P. Ireland* 319, 54.

(1) *See above at* February 25, last two entries. The subscriptions in the Irish Entry Book suddenly changes. Sir Henry Bennet was raised to the peerage on 14 March, 1665. The following entries in this Entry Book are subscribed in this way.

(2) *See* the King's letters *above, p.* 453, at 30 November, 1664. The facts there stated are repeated here.

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REPORT of the DUKE OF ORMOND on the forego

Recommending that letters be sent t
Ireland directing him to examine the al
and, if they be true, to pass the pa
Great Seal of Ireland. *P.* ½. *S.*
319, 50.

Before 25 March. WARRANT under the SIGN
ENGLAND].

To prepare a bill fo
the King and his b
the duties of excis
arising upon
exiseable lic
impositions
improvem
selling
farme
Gov
ar
ance of any clause or proviso inserted in any former patents
passed on the plantation. *Pp.* 2¾. *S.P. Dom. Signet Office VI.*
pp. 71, 71*d*, 72.
Also note of same. *S.P. Ireland* 318, *p.* 92.

[Same.] DRAFT of the KING to [the LORD LIEUTENANT and LORD DEPUTY] for the SAME.

On Colonel Grace's petition we direct you to pass a grant, with words of release of all our interest, under the Great Seal, granting Colonel Grace the towns, &c., of

Moyelly.
Laghinemeenagh.
Killincrin [Killin].
Cartronbradagh [Cartron ?].
Park.
Belanyhinsy [Ballynahinch].
Killinone *alias* Glanurner.
Fierboy [Fearboy].
Tullaghanroe [Tullaroe].
Castletrim [Castletown?].
Faghyhiron [Faheeran].
Banragh [Banragh Island].
Barnboy [Barnaboy].

(1) This and several of the modern equivalents in the next document have been kindly sent me by Mr. Grattan Flood.
(2) *Above pp.* 438 *and* 442-443.

Ballycore.
Creganballagh [Creggan].
Killkirrill [Kilkerrill].
Bellanamenton [Ballinaminton].
Curroughboy [Curraghboy or Woodfield].
Tober [Tober] containining by estimation 1,500 acres lying
rony of Kilcourty [Kilcoursey] and the towns and lands
Ballyshane, Lower Ballyshane, Leigh and Kilcloumouse
] containing 500 acres more or less;
lands of Aghygurty [Aghagurty] and Ballyosmeare
or thereabouts;
oge, Carrowroagh or Carrowreagh[1] and Dangon-
gh] lying in the barony of Ballybrett in the
n [Loughan] containing about 200 acres, be
arony of Clonlisk in the same;
oyed by Colonel Grace in Clumkone or
or Ballicowen[1] [Ballycowan];
lands of Rahilly [Rathealy] and Peckerstown
own], containing 500 acres in the barony of Crannagh, co. Kilkenny.

The towns and lands of
Killien [Killeen?].
Ballinree [Ballinry].
Killane [Killaun].
Miltown [Milltown].
Streanstown.
Killinmartin [Killin].
Connyberry.
Rathgibbin [Rathgibbon].
Lisduage [Lisderg].
Rathteige [Rath.].
Rathcuar [Rathnure].
Clonbrone [Clonbrin].
Clonbellagh [Clonbeale].
Galrus [Galros].
Bellanagulty [Ballinakill].

both the Ballycanes [Ballycowan] or Ballycallanes[1] containing 1,500 acres more or less in the barony of Eglish, King's Co., lately belonging to Nicholas Herbort or Herbert, of Killyne [Killeen], lately deceased. He shall hold them at the rent payable for them in 1641. These names or any others by which the lands above mentioned are more commonly known shall be inserted in the grant. These lands shall be created into so many manors, and by such names and proportions as Colonel Grace shall think fit. He shall have the right to set apart such a proportion of the demesne lands of every of the said manors, &c. [*grant of manorial rights follows as in the foregoing letter*]. *Two copies, pp.* 3½ *and* 3⅛. *Endd. in* Major Rawdon's *hand.* *S.P. Ireland* 319, 55 *and* 56.[2]

(1) The alternatives are taken from the two copies of this draft.
(2) Mr. Grattan Flood has kindly sent me several of these identifications.

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31 March. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for the DUKE OF YORK.

We have granted to the Duke of York forfeited estates of the traitors implicated in the murder of our dear father, with such benefit of reprisals as the adventurers and soldiers have in cases where they lose by restitutions under the Act of Settlement. As most of these lands have since been restored to the old proprietors by the Commissioners of Settlement, we ordered you to have particulars drawn by our Auditor and Surveyor-General of Ireland of the profitable lands lying in the cos. Dublin, Louth, Kildare and Cork. By these particulars it appears that there is not so much of such lands as will reprize the Duke of York for what he has lost. You shall now cause particulars to be drawn of any other lands now let in *custodium* to other persons or in our dispose in any other county in Ireland of such value as will justly reprize the Duke of York as aforesaid, and let them to the Duke or his nominees in *custodium* under the seal of the Court of Exchequer from 1 May next at a small rent—to be continued in his or their hands till he be reprized for what he has lost under the Act of Settlement or any new act passed to that purpose. *Favourable clauses. Pp.* 1¾. *S.P. Dom. Signet Office VI. pp.* 73*d*, 74 *and* 74*d.*

Same. SAME to the LORD DEPUTY for the BISHOP OF KILLALOE.

Under the provisions of the Act of Settlement[1] the Bishop is entitled to have lands set out to him as are worth £200 a year. The Bishop has not yet had such lands set out to him. You shall take all speedy and effectual care to see these lands set out to the Bishop and his successors. *P.* ½. *S.P. Dom. Signet Office VI. p.* 74*d.*

Also note of same. *S.P. Ireland* 318, *p.* 92.

Also draft of same. *Pp.* 2. *Endd. S.P. Ireland* 319, 57.

[March.] NOTE on MR. DONELAN'S CASE.

He faithfully served the late Marquis of Clanrickard, being lieutenant of the County of Galway, and were [was] set apart by the Lords Justices as a person deserving the King's grace and favour. He was always, "during the wars persecuted by the Nuntionists and cessed by General Neil with horse and foot to force him to a conjunction, which could not alter his affections to His Majesty."

He past the last Court of Claims in Dublin and was declared innocent, but postponed to his estate until the rest of the innocents of Ireland were reprized in regard that he received lands from the usurper in Connaught. His estate is neither in soldier, adventurer or forty-nine men's hands, but only in transplanters.'

(1) Statutes at large (Ireland), Vol. II., *p.* 300.

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He prays for your Grace's [the Duke of York's] recommendation to the Lord Lieutenant and the Commissioners that he may be restored subsequent to his innocency to the rest of his estate that is kept out of his hands. *Pp.* 1¾. *Endd. with date and summary, &c. S.P. Ireland* 319, 58.

March. Whitehall. DRAFT of ROYAL WARRANT to [the ATTORNEY or SOLICITOR-GENERAL?].

Directing him to insert in the bill now under consideration for the Settlement of Ireland a proviso on behalf of Sir Connell Farrell according to the tenor and true meaning of the annexed report. It is to give him £2,000 instead of the £500 a year formerly granted to him by grant under the Sign Manual and Privy Signet on 14 April, 1663. *P.* ½. *Endd. Ibid.* 59.

APRIL, 1665.

1 April. Whitehall. The KING to the LORD DEPUTY for ROBERT GORGE or GORGES, LL.D., of Dublin.

In reward of Dr. Gorges' services you were ordered to place him in the civil list there for a pension of 6*s.* a day. He shall have a grant by patent confirming his pension, which shall be for life and shall begin as soon as a pension of 6*s.* a day, due to him as assignee of Christopher Roper, Esq., deceased, determines. The patent shall contain a clause for inserting the payment in the establishment of the Civil list. When Dr. Gorges' letters patents for this pension are passed under the Great Seal, the letters dated 1 March last for granting Dr. Gorges 6*s.* a day shall be surrendered. *P.* 1. *S.P. Dom. Signet Office VI. p.* 75*d.*

6 April. Cockpit. The DUKE OF ALBEMARLE to SECRETARY ARLINGTON.

Captain Roger Lyndon, customer of the post of Carrigfergus, solicits me to say for the King's satisfaction that, upon my certificate of his loyalty and expenditure in the Royal cause, the King granted him and his son leave to pass a patent of the office aforesaid. The letter was lost at sea and the patent could not pass. He desires a fresh letter, and I recommend him for it. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 319, 60.

7 April. Whitehall. The KING to the [LORD DEPUTY] for THOMAS, ARCHBISHOP OF CASHEL.

The Archbishop is almost the only Prelate who in the most perilous times performed the function of a Bishop in Ireland, at great risk. His wife has also served our cause well for which she

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was imprisoned and sentenced to death "hardly avoiding the same by a dangerous escape." The Archbishop has informed us that the lands of Rinemorough [Rinmurrough], Moughnabane [Moneybane], and Monynanynoselogh [Monanimy?], and the moiety of the lands of Kildenyne [Kilderreen], Glanygaule [Glanageel or Glangall], Kilvortine [Kilgurteen?], and Corbally containing about five and a half ploughlands in Barrymore's country, co. Cork, are forfeited to us by reason of the late rebellion, and not in the occupation of adventurers or soldiers, or reserved for the '49 officers or otherwise by the Act of Settlement, but are concealed from us by persons who have no right to them. If you find that these lands are concealed and not in charge, you shall grant a lease thereof to the Archbishop under the great seal on such terms as you think fit. Have regard to his discovery and to his wife's sufferings. *P.* ¼. *S.P. Dom. Signet Office VI. p.* 75.[1]

General date 7 April.

DOCUMENTS RELATING TO THE CASE OF THE MARQUIS OF ANTRIM.

Petition to the King of the Marquis and Marchioness of Antrim, showing that:—

Sir Henry O'Neille, the Marchioness' father, settled his estate on the Marchioness and her heirs males, with remainder to his brother Arthur and his heirs males. Cormack, Arthur's son, pretending the remainder to be limited to his father, and other lands in the Marchioness' possession to be forfeited, obtained a grant thereof from the King. This grant is void in law, there being no record to entitle the King to the said remainder. Nor had the said Arthur or Cormack any such remainder in them or either of them at the time of the said grant "for that the Lady Marchioness before such grant, and observing the said Cormack to endeavour to prejudice her interest, did by the advice of counsel, suffer a common recovery to dock the said remainder as was lawful for her to do; since which recovery so suffered, the said Cormack O'Neille, to intricate and blemish the said Marchioness' title in and to the said lands, hath levied a fine of the said remainder and of the said other lands to your Majesty, which was never done for your Majesty's advantage, as is manifest by the record of the said fine; wherein it appeareth that on tender of twenty shillings by the said Cormack, the said fine is to be void or to inure to the use of the said Cormack and his heirs."

Petitioners pray that the use of the King's name may not be permitted in such fraudulent practices and that the Attorney or Solicitor-General in Ireland may in the King's name disclaim the benefit of the said fine, and that such disclaimer may be entered at the foot of the fine. *P.* ½. *Underwritten with*—

(1) The modern equivalents herein have been kindly sent to me by Mr. Grattan Flood.

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(1) Order, dated Whitehall, 4 April, referring the petition to the Lord Lieutenant for his report, and (2) Report by the Duke of Ormond recommending that the Irish law officers investigate the facts alleged, and, if they prove true, do as the petitioners desire, if they think such action lawful. *Endd. S.P. Ireland* 319, 61.

The King to the Lord Lieutenant for the Marquis and Marchioness of Antrim.

Sending their petition, disapproving the conduct of Cormack O'Neale therein, and ordering that the Irish law officers examine the petition, and, if they find that what is therein stated is true, disclaim the taking of any benefit of a fine for the Crown. The disclaimer to be entered at the foot of the fine. *P.* ½. Dated Whitehall, 7 April. *S.P. Dom. Signet Office VI. p.* 75.
Also entry of same. *S.P. Ireland* 318, *p.* 93.

This concludes the documents relating to this case.

8 April. Lisburne. Major Rawdon to Viscount Conway and Killulta.

I have your lordship's letters of the 18 and 28 March. The post now comes to us but once a week—on Tuesdays. [*Expressions of gratitude.*] I shall obey your order in furnishing John Totnam with what he may require, for I have £700 or £800 ready to go towards a bargain. If it can be made, I can, with my credit here, procure all the money in a very short time. The land lies near and is improvable and the title good, "except some few old leases claimed by some Irish that were in rebellion." I have written the details to Major Bolton and desired him to attend your lordship in the matter.

Mr. Langford came to see me late last night about making a treaty. He would not, however, come to the point and promised this morning to speak with me again, "but got his morning's drink with my brother before, so that nothing is done," but a promise in Dublin to come to me, where he can have an audience of his counsel. I shall therefore go to Dublin in ten day's time, which, I am informed, will be time enough both to prosecute that suit and to meet with the '49 trustees. They are all yet in the country except Sir Hance Hamilton. Major Ward I met at the Assizes at Down, where I was from Friday till Tuesday last. "Sir Richard Kennedy importuned me much to beg a tassell of your lordship." There the two brothers, chiefly by his means, entered into £10,000 bonds mutually to stand by the arbitration of Lord Santry named by William Hill, and Sir R. Kennedy by his brother, concerning the validity of the seven years' lease to your lordship. It is to be considered by them presently after next term; so I hope there will be no other difference if an award be made on that. Lord Dungannon was at the Assizes and he tells me of some apprehensions of a fresh fanatic plot, "and there is no doubt of the endeavours of the Irish

clergy and such as have been officers abroad and live here in want to raise a new rebellion; which John, that we examined, assured me yesterday (for I have his company once a fortnight commonly) that four of their friars of principal note are going to Spain and Roome with an address to the Pope for assistance and to invite over some officers in Spain now, and says this address was signed by all their clergy and that he saw it signed last week by very many at a meeting in Tyrone, and that it is a large skin of parchment full of hands, and he hath promised to go in company with these four emissaries in their way to Kerry where they intend to ship, and if he can find which of them carries it he will give notice to Major Perrot or another or two (to whom I have written by him) how to seize upon it, but I have little hope he will do so good service. And we hear of Bruce and other firebrands, Presbyters, that privately preach confidently of a deliverance to their party; so that the expectation of the issue of the war gives every ill-affected person hope to fish in troubled waters. But God will turn their counsel into folly I doubt not, and give success to His Majesty's navy and thereby frustrate their hopes and mischievious designs." I shall learn what I can out of Scotland, but I do not think they communicate their counsels and solicitations in Holland to any here "but only in general that they are about the work of their redemption from this Episcopal Government."

The Dutch fowler is not yet come,[1] nor Thomas Abbot, nor the keeper you mentioned long since. Thomas Abbot stays too long this fair weather. The church wall is going on well and the stones are in readiness to build the south-west turret next the wilderness and I hope (though rents were never worse paid) that you shall have your £700 at the time, and the Doctor his money also, "and I shall present his Grace, my Lord Lieutenant, with my humble acknowledgements of his favour, as your lordship advises, when the business is passed under the Seal."[2] I do not find William Johnson very fond of fishing. The river is much trespassed upon, and they demand a great tithe for the salmon fishing, but now Mr. Wye is come home, I shall speak again with William Johnson, and with him and write to your lordship further about it. Major Stroud[?], Captain Roma and my cousin Alfort are very thankful for your lordship's care of them which, at my being in Dublin, I shall improve the best I can to their advantage. I hope Lieutenant-Colonel Pigott will be come by that time out of Munster. *Details.* I am going to Lord Massereene at Antrim next week. The Bishop of Down and his lady were here lately.

The Dutchman arrives as I close this, and I will go with him on Monday to Portmore and let you have his opinion in my next letter. We hope for good news of my lady. All is well here, "the weather as warm as Midsummer, and the blesing [blazing] star plainer to be seen than the last." *Pp.* 4. (*Hol.*). *Conway Papers. S.P. Ireland* 319, 62.

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(1) *See* his letter below at 12 April, 1665.
(2) The author is referring to the baronetcy about to be conferred upon himself.

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10 April. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for VISCOUNT O'BRIEN.

At the time of our General Declaration of 1660, we made provision for the restitution of Sir Daniel O'Brien in his estate as one who specially merited our grace and favour. Since then, in reward of his and his children's services at home and abroad, we conferred on him the title and creation of Viscount O'Brien, of Clare, to maintain which honour the restitution of his estate is necessary. We understand, however, that Edward, Bishop of Killaloe, claims a good part of the said estate to have been formerly held by a certain chief rent of him, and consequently, being within his diocese and forfeited, to be settled on him as an augmentation of his bishopric. The Bishop desires that the same may be granted to him by our letters patents; but such a grant would be contrary to the Declaration, which is the foundation of the Act of Settlement and to our expressed intentions in favour of Sir Daniel. No part of his estate is to be passed to any one by patents, and if the Bishop has got a letter from us for passing any part thereof to him, such letter, so far as it would operate to prejudice Viscount O'Brien, shall be over-ridden by this direction. *P.* ½. *S.P. Dom. Signet Office VI. p.* 75.

Also draft of same. *Pp.* 1½. *Endd. S.P. Ireland* 319, 63.

10 April. SAME to the TREASURERS of the ADVENTURERS' and SOLDIERS' MONEYS for SIR THOMAS SANDYS.

Directing them to pay Sir Thomas £1,000 out of any of the sums coming in to them from adventurers or soldiers under the Act of Settlement. Clauses for execution. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 76 *and* 76*d.*

Also draft of same. *Pp.* 2. *Add. Endd. S.P. Ireland* 319, 64.

Same. SAME for COLONEL ROBERT SANDYS.

£1,000 to be paid him. *Similar to foregoing. Pp.* 1⅓. *Ibid. pp.* 76*d*, 77 *and* 77*d.*

Also note of this and the last letter in one. *S.P. Ireland* 318, *p.* 94.

11 April. Whitehall. SAME [to the LORD LIEUTENANT] for WILLIAM HAMILTON, of Loughcurrin, co. Tyrone.

By the forfeiture of Sir Phelim O'Neall of Kinard, co. Tyrone, we are entitled to a fee farm rent of £20, and to certain other chieferies, advantages, &c., reserved by Sir Phelim to himself, &c.,

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out of the lands of Ballinameatagh [Ballynameta or Ballynametragh?], Drumgosse [Drumgoose], Cristal-eotragh [Crossdallagh-outragh], Glastroman [Glassdrummond], Cristalestragh [Crossdallagh-ertragh], Dranaghreghean [Dromokikeen], Skerie [Skerries], Unchoge [Nunshoge], Beraghny [Brackney?], and Lisloanie [Lisloony?] in the co. Armagh, heretofore granted by the said Sir Phelim to Robert Hovenden, of Ballinameatagh aforesaid, Esquire, deceased, in fee farm. This rent has been concealed and not in charge in the Court of Exchequer, should have been paid to us, since Sir Phelim's forfeiture. You shall, in reward for Hamilton's services and loyalty, pass letters under the Great Seal granting him the fee farm rent of £20 a year and all right and title which we may have by reason of the forfeiture of Sir Phelim O'Neile.

He shall pay us a yearly rent of 20*s.* therefor. A special clause shall be inserted in his patent giving him the moiety of the arrears of the said rent which should have been paid to us since Sir Phelim's forfeiture, he bringing in to the Exchequer the other moiety of the said arrears with all convenient speed after having at his own charge passed the said grant. *Favourable clauses. Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 77*d*, 78.

12 April. Lis[burne].

Major Rawdon to Viscount Conway and Killulta.

I spent Monday last with Martin Johnson [the Dutch fowler] and had with me John Totnam, and also Travers the gardener and Mr. Mildmay, who "pretend some skill in a decoy." We viewed the little lough both by water and land and at last agreed in deciding that the best and most private place for it was between the Tunny mouth and your meadow in the park. On that side the fowl do most haunt, being sheltered from the north wind; and Johnson approves it as the best he has seen in any country. He saw the other possible spots, the other side of the old church and the great lough side, but for these and other reasons he thought within the park the fittest and most private, and that your lordship would take more pleasure of it there than of another place out of your hands. On Friday, William Hoole, whom we could not have with us, will go to be satisfied, and Johnson is gone to Belfast to fetch his trunk, and "a woman that he brought over with him, that he calls his lanlady and says she comes to make his nets." Your lordship has not computed the charge in your letter. It will be £300, and some think it will be more. I should be glad to hear if your lordship approves of this expense. Meantime we shall be getting tools and providing workmen and shall cut the wood in that place, which must, however, be cleared. "He speaks of three or four acres for a pond, and his pipes that must be digged, and the earth taken away to raise banks and walks about it, and the lough being yet high it cannot be wrought or begun till about a fortnight or three weeks hence, that the lough fall."

He and I have made a plot of the whole work and I fear it will come to more [than £300]. I was so ignorant I thought such a

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work might have been made by cutting pipes out of the lough itself; but he will not understand any other way but by making a pond and by cutting the pipes out of it. "I hope he understands his trade fully and that your lordship hath received good testimony of it. This place is over against the priest's house, close by the little loughside, and if the great lough, and so consequently the little one, should fall three or four foot by any good project either of Lord Massereene's or any other, which I do not hope to fall out, this pond would be supplied with water from the river," which can easily be turned into it by the new ditch made through the wood. Unless, however, the lake falls, there is no fear but that this pond will always be full. One objection I made was that the otters will be troublesome. He thinks they may be kept out by a close pale without the walks. If this can be done this summer (which I question) it will drain some of the money which your lordship makes account of.

P.S.—(1) I hear the Earl of Arran began a decoy last year, but have not heard if he finished it or how it prospers.

(2) The fowler will write his opinions. He thinks a little over £200 will pay for everything; but William Hoole is confident it will cost at least £300. *Pp.* 2½. (*Hol.*). *Conway Papers.* *Endd.* *S.P. Ireland* 319, 64.

12 April. Lisborne [Lisburn].

MARTIN JANSEN VAN HEYNINGE to VISCOUNT CONWAY and KILLULTA.

I arrived at Belfast on the 7th in good health. "I have seen the ground by the old church. The place would be good, but the Irish do come there to bury their dead bodies and do make such a noise that they will spoil the duckcoye."

Therefore I have found out another place in my lord's park between the little lock and the great lock and the park house, upon the meadow that lies near the lock. I find it a better place, as it is more in the air than the place by the church, and for flying to the great lock. It is calm before the north wind and north west. It is sweet to roost in and it is better pleasure for his lordship to have it in the park; but it will be a little more cost to stock the wood. We have the advantage of not having to plant wood, which is a great advantage for the coy [decoy].

"I like the country so well as any country I have seen, so I do not doubt but with the help of God I shall katch fowl enough." *P.* 1. (*Hol.*). *Conway Papers.* *Ibid.* 65.

13 April. Whitehall.

The KING to the LORD LIEUTENANT concerning PEDLARS and PETTY CHAPMEN.

By our letters of 20 September last, we ordered the erection of an office in Ireland for controlling of the disorders caused by "ill disposed persons travelling under the name of pedlars or petty

chapmen or grey merchants" there. We granted that office to George Hamilton and Captain James Roche or their assignees for 31 years. This grant passed the Great Seal of Ireland by our letters patents dated 14 January, 1665. You shall, if you think fit, issue a proclamation forbidding all persons to travel as pedlars, &c., accordingly without licence from these patentees. They are not to grant licences except to persons who bring certificates, signed by two Justices of the Peace, for their honesty and faithfulness to the Government. *P.* ¼. *S.P. Dom. Signet Office VI. p.* 78*d.*

14 April. LICENCE by the EARL OF ORRERY.

To John White, merchant, to dwell, trade and traffic by retail or otherwise in the City of Limerick till further order, he behaving himself as becometh.' *P.* ½. *Signed. Endd. S.P. Ireland* 319, 66.

17 April. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY on behalf of the BISHOP OF CLOGHER.

John Lesley, Bishop of Clogher, has informed us by his petition that King James I. by letters under the Great Seal dated 22 August, 1609, granted to Sir Thomas Ridgeway, kt., afterwards Earl of Londonderry, and his heirs, the lordship of Upper Trough, co. Monaghan, with several lands, &c., parcel of the said lordship under a rent of 26*d.* Ir. yearly. The Bishop has lately for a great and valuable consideration bought that lordship; and shows that twelve tates of the ballibetagh of Glasslagh [Glasslough], which are part thereof, are still in the possession of those from whom he purchased and claims them for many years before the breaking out of the late rebellion, although by the said letters only 12*s.* 6*d.* yearly is granted to Sir Thomas Ridgeway out of each of such twelve tates. He also states that the ballibetagh of Ballileton [and] £6 13*s.* 4*d.* issuing yearly out of the ballibetagh of Ballensinesmere [*sic*] are parcel of the said lordship and have been and now are possessed by him and those claiming under him, although not contained in the said letters patents granted to Ridgeway, but were then purchased by the said Ridgeway to him and his heirs from Patrick Mackenna, who held them in fee simple from King James I. under letters dated 5 February, 1610. The Bishop asked that we would grant him patents of all the aforesaid lands in as large and ample a manner as they are now possessed by him or have been possessed by Sir Thomas Ridgeway, and others from whom the Bishop derives his title. Your report confirms the truth of the Bishop of Clogher's statements and informs us that the said sixteen tates of Ballyglasslough

(1) *See below at* **24 April, 1665.**

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were by other letters patent dated 10 July, 1610, granted to Sir Edward Blayney, kt., and his heirs, at the rent of £6 a year, which rent was from time to time paid by the heirs of the said Sir Thomas [*sic*] as well as the aforesaid rents reserved by Sir Thomas Ridgeway's patent. Anxious to reward the Bishop for his loyalty and sufferings, we direct you, for better securing him in the lands which he has purchased, to grant him by letters patents all the lands, tenements, and hereditaments, &c., formerly granted to Ridgeway as aforesaid, and the twelve tates of Glasslagh out of each of which there was formerly granted only 12*s.* 6*d.* to Ridgeway, the ballibetagh of Balliletton, and £6 13*s.* 4*d.* a year out of the ballibetagh of Ballynesmere [*sic*], in as ample a manner as Mackenna had them. He shall also have the reversions and remainders of all the lands in the lordship of Upper Trough, to be held of us in free and common socage.

He shall pay a rent of £40, which is more than what was reserved for the lordship, fairs and markets in the earlier grants to Ridgeway and Blayney, and than the proportionate share of Mackenna's rent attributable to the lands given to the Bishop in Ballietton and to the charge upon Ballynsmere [*sic*].

Details. He shall have a clause exonerating him from all other payments; and another clause whereby the lands shall be made into one entire manor to be called Castle Leslie and full manorial rights [*details given*] granted to the Bishop such as were given to Ridgeway—with, in addition to three fairs a year at Glasslagh, one market a week at Glasslagh, a Court of Pyepowder during such fairs, &c. [*details*]. *Pp.* 3⅓. *S.P. Dom. Signet Office VI. pp.* 78*d*, 79, 79*d*, 80.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 94.

17 April. Whitehall. The KING to the LORD LIEUTENANT for RALPH KING, LL.D.

You shall admit Dr. King, who is Recorder of Londonderry, by letters patents to the "Society of our Inn called the King's Inn in Dublin and a counsellor at law in all our courts and other places within that our kingdom; and thereby licensing and authorising the said Ralph King to plead in all causes and matters whatsoever in any our Courts or before any our Commissioners within that our Kingdom, to draw any bills, answers, pleas in bar, replications and rejoinders, and in any evidences to the jurors to show or speak and any matter of law to argue, to do and expound in any of our said Courts or elsewhere in our said kingdom of Ireland [that] which any other skilful in law may or was wont." Favourable clauses. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 83*d.*

17 April. ENTRY of the KING [to the PROVOST and FELLOWS of TRINITY COLLEGE, Dublin].

Directing them, on the first vacancy of a senior Fellowship in Trinity College, Dublin, to elect Patrick Sheridan into a fellowship

so soon as he has taken the required oath. He is a person recommended by the Lord Deputy upon the information of the Bishop of Down as "for his piety, loyalty to us and learning, fitted and qualified for a collegiate life and therein to advance good literature." This direction is given "out of a tender care to the College of the Holy and Undivided Trinity near Dublin, whose statutes are obligatory with this exception, *nisi nobis vel successoribus nostris aliter visum fuerit.*" He shall hold his Fellowship for life "as well in the time of his absence from the said College" (whilst the causes of it are approved by the Chancellor or Vice-Chancellor) as during his residence; and in spite of any benefices or sinecures he holds or shall hold. *P.* 1. *S.P. Ireland* 318, *pp.* 94-5.

21 April. Docquet of grant of the dignity of a baronet to George Rawdon, of Moira, co. Down, and his heirs males. *Details* as to subscription, &c.

Note of discharge in usual manner for the same. *In all, five lines. S.P. Dom. Docquets XXII. p.* 125.

24 April. Whitehall. The King to the Lord Lieutenant and Lord Deputy for John White, merchant and native of Limerick.

White petitions showing that he lived most part of the late distracted times in England or abroad, and asks leave to reside and freely trade in Limerick with the benefit of the advantages belonging to free men of Limerick. The Earl of Orrery, President of Munster, had formerly allowed him to do so, and we are informed that our seaports in Ireland are of late much decayed for want of merchants to support trade in them. White shall have full leave to trade, by wholesale or retail, by import and transport, as fully as any other person had formerly leave to do, and shall have the benefits, advantages, &c., enjoyed by "any other free born subject or stapler there" without any interruption. The Governor, &c., Mayor or Sheriffs of that city are to be informed of this grant and to respect it. *P.* ½. *S.P. Dom. Signet Office VI. p.* 82.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 95.

Same. The Same for Dudley Bagnall, Esq.

Bagnall petitions us setting forth his father's loyalty to us, for which he was "shot to death" by the late usurping power, and he asks that we will grant to the petitioner the estate which his said father had in 1641. You have reported to us that you think this petition fit to be granted. He shall have his estate at the 1641 rent and, for the assuring thereof, you shall pass patents under the Great Seal of Ireland, and shall give him all the privileges of keeping court leets and court barons of the other privileges which his father had in 1641. You shall insert clauses therein clearing him

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of quit rent and any other rent due to us from the premises, other than what was payable by his father in 1641. *Details* and clauses for execution. *P.* ½. *S.P. Dom. Signet Office VI. p.* 82.
Also note of same. *S.P. Ireland* 318, *p.* 95.
And draft of same. *Pp.* 1½. *Endd. S.P. Ireland* 319, 67.

22 April. Dublin. MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

I have to-day arrived in Dublin. I have had yours of the 4th and 11th of this month, and left your sister and the children well at Lisburn. "I admire" what is become of all my letters to your lordship. Mr. Tandy says he did carefully put them in the packet office here, and I never failed to write once a week. The letters were addressed to your house in Queen Street. This I send direct to Ragley, hoping *it will arrive before you and my lady go to the bath, the weather be[ing cold]* yet. "This received to-day with the paper enclosed (which I will keep secret punctually as your lordship commands) and the account of what your lordship hath been pleased to disburse," I answered before I came up.

Details of expenditure. My last letters were about the decoy; and I spent Wednesday with William Hoole and John Totnall devising the best way to carry it out, and think now that it will not cost so much as the first estimate of £300. We think to bring in the river by the new trench and so to avoid the expense of making the pond and pipes above two feet deep, but to raise the banks and let in water in summer from the river by turning some part of it at the head of the meadow into the pond. This will be by the little lough side below, and against the priest's house. He approves it as "the best place he ever saw in England or Holland for a decoy and I am told here duck in winter give 3*s.* or 2*s.* 6*d.* a couple at least." I am obliged to Sir Hen[eage] Finch for his favours and write to him as you advise. I am grateful to your lordship for your favour to my sister Tandy, and shall write to the Duke of Albemarle about her son. Neither I nor L. C. Hill have heard anything about the business of his troop. I did not know you had the purpose you write of or should have written to you when I did so to his Grace. The race which was to have been to-morrow is put off till May 3.

Other details. I am come hither to prosecute the suit *versus* Langford. Mr. Tandy tells me that, after many exceptions put in for delay, they are overruled and the verdict now made a record and engrossed in parchment. Mr. Sands promises it will be ready on Monday and then we are to move for a time to be appointed for argument. I believe it will come to above £80 and that half of it will, he says, be expected from us, but, it being in the King's name, I hope it will be [arranged]* on better terms on our parts. I will give you an account of it and of our business at the Green Chamber before I leave this place, where I doubt I must attend till after the next term.

* The document is damaged by damp here. The words in square brackets are an attempt to supply what is lost.

The keeper and his wife and children are shipped for Belfast. The deer are in good case and your lordship's three mares ready to foal. I was at Antrim to visit Lord Massereene. He is very anxious to have Johnson's advice on a decoy at the Grange. He has promised me young decoy ducks, he having the right breed. His lordship was then in sadness at the death of Sir John Skeffington's younger son.

I have not as yet heard any news here. My cattle sold here reasonable well, but not so well as I had hoped. I hear the drovers overdrove them and did not look carefully to them; and that they lost one-fourth between the time they took them at the Tunny and the time when they were shipped here. We hope for good news of my lady's health. *Pp.* 2. (*Hol.*). *Add. Conway Papers. S.P. Ireland* 319, 68.

26 April. Dublin. MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

Details. Lord Arran's decoy is not ready yet. I am sorry to hear her ladyship is so weak. Your bill for £400 shall be paid when it arrives, for I have £300 here in town and ready money also below, which I keep in readiness till I hear from Major Bolton whether a bargain can be made for that land I told you of, that I heard would be sold by my three cousins. I am come very late from a meeting of Sir Audley Mervin and Sir John Temple's solicitor. Captain Langford offered at a referrent, but we could not attain it. It is too long to particularize the passages. If his end was delay he has not gotten it, for I would not yield to any such meeting if it could not be procured this same day. To-morrow we shall move to have the Record, which is now drawn up, read in Court and approved, and a time appointed for the argument. It will be very chargeable and though Mr. Attorney be plaintiff it is the practice in other cases of intrusion we shall be charged with half-fees. I hope at length it may "quitt" the cost and trouble; but I fear it will keep me here for the next short vacation and for next term. I forgot to tell your lordship the condition of the Duke of Albemarle's company. He is Governor of Wexford by patents, and his company lies there; and Sir Richard Clifton is his Deputy Governor and lieutenant of his company. I am sure he will not part with his company, his interest in Ireland being there, and Sir Richard being the manager and one he hath much kindness for. I have not heard any answer from his Grace of that motion of selling his troop to his lieutenant, which I think is not worth the sum offered for it. The last six months' pay is not to be had or expected, and the public revenue comes much short to provide it. I had some talk on the matter with "His Excellency my Lord Deputy" this morning, and much doth his lordship regret the want of money. If the Lord Lieutenant do not soon come over, I doubt it will not be well in this kingdom. It will not concern you if the shire hall be at Antrim. In any case the judges must sit for the county of Carrickfergus. Letters of the 18th from London tell us the bill was not half read in the Council, though

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Saturday and the Tuesday before had been given to it. I am grateful to you for taking a journey on my account. I would not have you cross the seas but on a more considerable errand. "Two vessels were taken last week bound for the Barbadoes by a Dutch man of war on the coast near* . . . . . On this very channel some are expected suddenly; so letters are* [despatched] from the Lord Deputy and Council, and this night again, for some English ships to secure this kingdom's small trade, else nor bullocks nor customs will be transported." I am anxious for news of my dear lady. *Pp.* 2½. (*Hol.*). *Conway Papers. Add. to* Lord Conway at Ragley. *S.P. Ireland* 319, 69.

27 April. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for JAMES HAMILTON.

By the Act of Settlement the "lapsed money" belongs to us. The late usurpers set out many lands which should have formed part of such "lapsed money" to private persons. By letters of 23 November last under our Privy Signet we directed you, the Lord Deputy, to commission Carroll Bolton and Thomas Taylor to find out by reference to the books and by evidence [*details given*] what lands have been so set out, &c. [*see* the letters of 23 Nov., 1664, *above*, *p.* 451]. When these Commissioners make the return required by their commission into the Court of Chancery, you shall settle on Hamilton the one-third of the lands so returned which is chosen by you for our use, or such other lands as shall be set apart in lieu of the said lands by the Bill of Explanation now before our Council here, or by any future bill passed by the Irish Parliament. He shall have these lands at the easy rent which his services merit. *Favourable clauses. P.* 1. *S.P. Dom. Signet Office VI. pp.* 84 *and* 84*d.*

[28 April.] PETITION to the KING of JOHN CARLETON, Lieutenant in the King's Regiment of Guards in Dublin, showing that:—

The King has granted to petitioner, after the death of his mother Mary Carleton, the towns, &c. of Beamond [Beaumont?], Newhaggard, and Great Hilton, in the barony of Duleek, co. Meath. The grant will be void unless confirmed by "this Act." To the end petitioner may receive the benefit of the King's grant,

He prays that his petition may be referred to the Lord Lieutenant for his report. *P.* ½. *Underwritten with*—

Order, dated Whitehall, 28 April, 1665, referring the petition to the Lord Lieutenant. *Endd. S.P. Ireland* 319, 70.

* The document is damaged by damp here.

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28 April. Whitehall. The KING to the LORD LIEUTENANT for ROBERT WOOD and JAMES BONNELL.

By our letters of 22 December, 1662, we erected for the better management of our revenue from customs, excise, and new imposts, an office of accountant general, for the purpose of having the accounts of these revenues audited. We granted this office to Samuel Bonnell and James his son, or the longer liver of them. [*Details.*] Samuel is dead and John has petitioned us that "in regard of his being yet unskilful to execute the said office otherwise than by his Deputy," we would grant the same, together with the like yearly fee and salary, to Robert Wood, Doctor of Laws, and to him, Bonnell, to hold the same in the manner before expressed. You shall pass letters patents under the Great Seal of Ireland granting this petition. The grant shall be to them and the longer liver of them during good behaviour, and they shall have the salary granted in the former patent. They may executé the office by a deputy. You shall warrant the officers of the Exchequer duly to pay their salaries. *P.* ½. *S.P. Dom. Signet Office VI. p.* 82.

Also note of same. *S.P. Ireland* 318, *p.* 96.

Same. SAME to SAME for COLONEL RICHARD GRACE.

We are entitled to certain houses in the city of Dublin and county of Dublin and elsewhere on account of the several attainders and forfeitures of Robert Baggott and Peter Bath. You shall pass letters patents granting these lands to Colonel Richard Grace, whom we are anxious to reward for his services here and abroad. He shall have the mean profits thereof. *P.* 1. *S.P. Dom. Signet Office VI. p.* 82*d.*

Also note of same. *S.P. Ireland* 318, *p.* 95.

Also warrant under the Sign Manual for same. *Pp.* 2. *Countersigned by* Secretary Arlington *and with* note of entry on 29 April at the Signet Office. *Signed by* W. Trumbull. *Add. with seal. S.P. Ireland* 319, 71.

Same. ENTRY of the KING to the LORD LIEUTENANT for MARGERY SYMMES.

Margery's deceased husband, Major Symmes, served us faithfully and we are anxious to provide for his widow and children until the security for those who served us in Ireland [before 5 June, 1649], be set out. We recommend her to you that you may direct those whom you entrusted with the management of the security for the arrears of the '49 officers to set some land out to her for a year of

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the value of £50 a year over and above the rent reserved. This £50 shall not be accounted as any part of the satisfaction due to her for her husband's arrears. *P.* ⅔. *S.P. Ireland* 318, *p.* 96.
Also two copies or drafts of same. *Pp.* 1½ *and pp.* 1¼. *Each endd. S.P. Ireland* 319, 72 *and* 73. [1]

April. DRAFT of ROYAL WARRANT to [the Law Officers of the Crown] in favour of JOHN PAYNE.

Directing that in the bill now under consideration for the Settlement of Ireland the ensuing clause [*text given*] be inserted for providing that no prejudice or damage shall befal John Payne by reason of his being necessitated to accept £100 or thereabouts in the time of the late usurpers for the present subsistence of himself and family, then resident in Dublin; but that as to his full arrears due before 5 June, 1659, for services in Ireland, the said John Payne and his heirs, &c., shall have as full satisfaction as if he had been named and provided for to that end in "your Majesty's" declaration of 30th November, 1660, and as any commissioned officer has who served in Ireland before 1649, and has as yet been paid nothing for such service. *P.* 1¼. *Endd. S.P. Ireland* 319, 74.

30 April. Whitehall. The KING to the LORD LIEUTENANT for GEORGE PHILLIPS, ESQ.

For admitting him to the King's Inn in Dublin. Similar to the grant to Ralph King above at 17 April. *P.* ⅓. *S.P. Dom. Signet Office VI. pp.* 83*d and* 84.
Also entry of same. *P.* 1. *S.P. Ireland* 318, *p.* 97.

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1 May. ENTRY of the KING to the LORD LIEUTENANT for RICHARD JONES, ESQ.

You report that £1,000 is justly due to Jones. Give warrant to the Earl of Anglesey to pay him that sum out of such part of our revenue as you think fit. *P.* ⅓. *Undersigned by* Secretary Arlington. *S.P. Ireland* 318, *p.* 108.

PETITION to the KING of SIR ROBERT PARKHURST, KT., showing that:—

Great sums of money were due to the petitioner out of Sir Phelim O'Neile's estate, by virtue of divers statutes of the staple

(1) *See also above p.* 465, at 31 December, 1664.

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acknowledged long before the rebellion in Ireland. Petitioner has long since obtained the possession thereof by virtue of an Extent and Liberate issued out of the Court of Chancery in Ireland.

The greatest part of the said money is still due, as the estate has hitherto been of small yearly value.

Petitioner asks that as he has born much of the losses of the Protestants in Ireland, the King will admit him to the pre-emption of the said estate, which is forfeited to the Crown, if he places thereupon so much satisfiable debentures or adventures as the same shall be adjudged to be worth over and above the sums due to him thereout. He also asks that the annexed proviso be put into the bill now under consideration. *P.* ¾. *Underwritten with—*

Usual[1] order, dated May 2, referring the petition to the Lord Lieutenant of Ireland. *Followed by—*

Draft Proviso in favour of Parkhurst.

In conformity with the prayer in the foregoing. *P.* ¾. *The whole, pp.* 1¼. *Endd. S.P. Ireland* 319, 75.

8 May. Docquet of release to the Society of the Governor and Assistants of Londonderry of the arrears of several yearly rents amounting to £204 16*s.* 8*d.* per annum due at Lady Day last for the lands, customs and other things lately granted by His Majesty to them in their present chre. [charter?] and of the future payment of 13*s.* 4*d.* reserved for the customs of Londonderry; and also a release of the covenant for maintaining and fortifying the Castle of Culmore. In consideration thereof, and of £6,000 paid them by the King, they are to release to the Crown all their interest in the said customs, past and to come, and to repair the fort of Culmore and allow £200 a year to the governor, with £300 acres of land near adjoining. *Details* as to subscription, &c. *P.* ¼. *S.P. Dom. Docquets XXII. p.* 131.

General date About 8 May. Documents relating to the Case of Sister Elizabeth of St. Mary, alias Purcell.

Copy of petition of Sister Elizabeth to the King, showing that:—

"Your poore petitioner" is a professed nun. Her parents in their life-time lived in "Eirland" and were faithful, suffering much for the Royal cause. Petitioner came to England on grounds approved of by her superiors, as the accompanying certificate shows.

[1] The facts that these orders are dated at Whitehall and signed by Secretary Arlington are, for brevity, omitted. Unless the contrary is stated, they are to be presumed to be so dated and signed.

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She is resolved to go to Portugal and live there, where "other Eirish religious women lives in Lisboune." She has neither clothes nor money for her journey unless the King "with the eyes of mercy will be pleased to relieve her."

She prays for help, and has no one to appeal to but "to you her most dread sovereign who is the father of the poore." *P.* 1. *Endd. S.P. Ireland* 319, 76.

Certificate by Brother Nicholas of the Holy Cross, Provinical of the English Franciscans.

Sister Elizabeth of St. Mary, religious professed of the Third Order of St. Francis in a monastery of Kilkenny in Ireland, came to England on occasions approved of by her superiors and requires my persuasion to stay here till she can better dispose herself either in some religious house beyond the seas, or return into Ireland. These are to certify that, upon good information of her virtuous and religious comfortment, she has my leave to continue here in England until the provincial of Ireland shall recall her or my successors otherwise ordain. She had my licence to remain here till May 1; and that licence is hereby renewed. She is recommended to the charity of any good Catholics who may be pleased to consider her condition. She has no means of her own. *P.* 1. *Signed* as in heading, and with seal of the English Franciscans *as follows*:—

Beneath a canopy, the Virgin holding a child, her feet resting on a crescent moon. On a compartment below, the arms of England, ancient, quarterly. The whole surrounded with the legend—SIGILLUM PROVINCIÆ ANGLI . . . F. MINORUM REGULARIS OBSERVANTIÆ. *Ibid.* 77.

Copy of further petition of Sister Elizabeth to the King, showing that:—

Petitioner presented a petition last Wednesday to the King and prays a speedy answer to it, as she is making a "spidye expedision" into Portugal. *P.* ½. *Endd. Ibid.* 78.

This concludes the documents relating to this case.

10 May. Dublin. MAJOR RAWDON to VISCOUNT CONWAY and KILLULTA.

I am troubled in my "soll" to hear of my dear lady's continued weakness. Everyone here inquires of her condition. I dined yesterday with the Archbishop of Dublin and his lady, who sent their best respects to my lady. The Lord Deputy also inquired after you both. His wife was safely d[elivere]d of a son ten days since. The two Archbishops christened it James. The Lord Chief Justice Donnelan died on Monday last. I writ at large to your

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lordship last post of the treaty with Captain Langford. If your lordship approve it, as I hope and believe, by what you say in your letter, that you will, I shall next term put the matter in a way of despatch. The treaty is that judgment be acknowledged and the land conveyed to your lordship, and that you make a lease of part of it back to Captain Langford for £20 and some other conveniences reserved to your lordship. Your lordship's answer is the principal cause of my stay here, so I hope to have it without delay. You will have heard that your little mare did carry away our plate. Major Montgomery's horse was next, but Mr. Wye and his barbe were far behind although the mare ran equal weight with them (10 stone). *Other details.* There is no trade here by reason of this war. No cattle are shipped, and no coals brought over, so that rents must needs be ill paid. "Divers Dutch capers are on the coast of Ireland and four have been lately taken by our frigates, and two are brought into Kinsale and two into Galway." I thank you for your efforts about that patent, and hear it will soon pass the seal. "After notice it is passed I shall not omit humbly to acknowledge my Lord Lieutenant and Mr. Solicitor's favours to me." They tell me £200 is also sent over to him. I am with them daily at the Green Chamber, but have little hope, by reason of the general rule I mentioned in my last, to get into possession of any lands yet. However, Sir Hans Hamilton and others project still with me about it. The mention of a patent 'remembers' me to speak of a patent which you will have to pass for those four towns (having surrendered them) when the agreement is perfected for it will be the surer way than by a letter to pass here. I sent even now to my Lord Archbishop of Dublin, and Robin says there is one Mademoiselle Mallert that is a cousin to Madame Perignois and will write to her, but she is not her sister. This letter came to me directed to your lordship from Mr. Mildmay, which I opened, and enclose to save postage because it gives your lordship an account of our famous race. I hope to take Sir Edward Smith with me for a month or two when I go away from here, if the Bill come not suddenly over. We do not expect it will.

P.S.—Sir Tristram Beresford is also a baronet by patent. *Other details.*

The Duke of Albemarle wrote two posts ago that he had commissions for Mr. Hill to be captain and Mr. Wilkinson as lieutenant, but would not send them till the money be paid, which I believe is not yet ready. *Pp.* 2. (*Hol.*). *Conway Papers. S.P. Ireland* 319, 79.

11 May. Whitehall. The KING to [the LORD LIEUTENANT and LORD DEPUTY] about CHAPELIZOD.

By our letters of 26 May, 1663, we authorized you, our Lord Lieutenant, to purchase for us the whole manor of Chappell Izod with the town and lands thereto belonging and other convenient lands, to make a park about our house called the Phœnix, provided only that the same should not come to above £10,000; and also to

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enclose such of the lands of our ancient inheritance or new purchase as you think fit with a stone wall, and to stock the same with deer. Besides the several other lands purchased by you for the park and the building of the park wall, &c. the purchase of Chapelizod House and lands from our Chancellor there comes to £10,000; and the purchase of the other lands taken into the park, building of the wall, &c.,will come to more than that sum. You shall order the Earl of Anglesey to pay to the owners of the other lands such price for them as may be agreed, and such other sums as may be needful to complete the work. The whole sum paid must not exceed £20,000. *P.* ½. *S.P. Dom. Signet Office VI. p.* 84.

12 May. NOTE of grant to the Earl of Burlington and Cork and his heirs of his lands in Ireland whereof his evidences are lost. *Three lines. S.P. Ireland* 318, *p.* 98.

13 May. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for JOHN, LORD BERKELEY, and others.

It has been reported to us that in and about Indrigo *alias* Tondrigo [Tonregee?] in the province of Connaught in Ireland, there are divers thousands of acres of land "that yield no manner of profit by reason and ever have been overflown every tide" and cannot be drained without great cost. Lord Berkeley, President of Connaught, Sir George Carteret and Sir Maurice Berkeley have asked us to grant them these lands in fee farm, at a rent of £10 a year reserved, to commence from the time of draining thereof. You shall pass patents under the great seal for granting this request. *P.* ½. *Signed by* Secretary Arlington, *and underwritten* "to Lord Lieutenant and Deputy." *Ibid. pp.* 98-99.

Same. SAME for COLONEL DANIEL TRESWELL.

Directing that letters pass under the Great Seal of Ireland for granting him and his heirs a baronetcy. The usual services and fees to be remitted by the grant. *P.* ½. *Ibid. p.* 99.

Same. NOTE of grant to Lord Viscount Shannon of £3,000 out of the lands set out in Ireland for English arrears and on account of the Doubling Ordinance. *Ibid. p.* 100.

19 May. Whitehall. The KING to the [LORD LIEUTENANT and LORD DEPUTY] for JAMES BUCK and CHARLES ROGERS.

You shall cause patents to be passed under the Great Seal of Ireland for granting to "our menial servants" Buck and Rogers, the posts or reversion of the posts, of clerk of the markets and

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packer and gager in Ireland, as held by Buck, Oliver Walsh, and Francis Shaen, during the life of the longest liver of them in the usual and ample manner. They shall have the right to perform their duties by Deputy. Full beneficial clauses for protecting them against future grants of the same post to others shall be inserted in their patents. They shall be paid £20 a year for executing the office. A clause shall be inserted in their patents requiring all sheriffs and portreeves in counties, cities, and boroughs, unless they have had previous and particular grants of the office, to allow Buck and Rogers to execute it in their areas. *Other beneficial clauses.* *P.* 1. *S.P. Dom. Signet Office VI. pp.* 85 *and* 85*d.*

19 May. ENTRY of WARRANT to the SOLICITOR-GENERAL.

To insert in the Bill of Settlement provisions enabling Horatio Woodhouse to state the arrears of his brother, Sir Michael, for service in Ireland before 5 June, 1649, though the time for doing so has elapsed. *P.* ½. *S.P. Dom. Entry Books XXII. pp.* 136-7.

20 May. Dublin. SIR GEORGE RAWDON[1] to VISCOUNT CONWAY and KILLULTA.

Now that I have your lordship's approval I feel confident of putting this troublesome matter to an end when Captain Langford comes back from the north, which he promised to do next week. *Details.* Our latest news from London is of the 9th and it was to the effect that this bill was in danger to be cast into another model.

I see no possibility of altering any possession this year. The lands in Longford and Leitrim were set to such persons these two years past, vizt., Sir Richard and Sir George Lane, Sir William Flower, Sir Mathew Appleyard, Sir Oliver St. George and the like; but we must have an absolute quarrel about them if that late order from the Duke's be countermanded in our behalf. *Other details.* I have advised with Sir Hance [Hans] and Major Ward often about it and as the trustees are now bound by that order they cannot do what they very much desire and acknowledge your favour to the security to have been very great in London. The £200 is not yet gone away, but they expect their Receiver with money this night, and promise immediately to transmit £200 to Sir Heneage Finch of the first that comes to their hands. They are in debt here exceedingly for fees and salaries, a matter which was considered to-day at a great meeting of the Trustees. The Archbishop of Dublin was in the chair, who often presents his service to you and my lady. I received this report from Mr. Mildemay yesterday from which your lordship may see what is doing at the decoy. He is skilful and I write to him to advise with Johnson about it. I have had an exact plot drawn of Sir Edward Rodney's decoy in Somersetshire. It is one of the best in England. I am very sorry your lordship's merchants and mine had so ill a market with their oxen. I lent them £10 here which you will please call for when they pay your money. John Totnall has been abroad to buy cattle; but I have not heard what market he has had. The drovers are afraid to ship from here and drive to Donaghadee as the safer passage;

(1) Created a baronet 20 May, 1665.

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yet no caper has come into this channel. A frigate came into this harbour yesterday and Captain Routh, who lately took two Dutch men-of-war about Kinsale, was in command. He has, however, no orders to stay here, "but with others to be upon the Western coast where some capers are watching for our Barbadoes fleet expected home." *Other details.* Major Gibson begged me to ask you when you go to London to intercede for him that his pensioners' place (I think it is) may be preserved to him. He said you promised to speak to the Lord Lieutenant about it, "and now it comes to my memory that your lordship once writ of a lady that had £4,000 that probably you might prefer Will Hill to. His mother is very desirous he should settle and marry and not stay till Nanny Colvill be a woman." If you think of such a thing he may wait on you about it. He does not know about it and I only speak "of my thoughts and desires he may be fixed to some good fortune and good wife." *Details.*

P.S.—I know your lordship must have the patent of Kilulta and will send a copy of it and other instructions when the matter is settled and ready for a new patent, although it is enrolled in England. *Pp.* 1½. (*Hol.*). *Conway Papers. Add. to* Viscount Conway at Ragley, "to be left for conveyance with the postm^{r} at Coventry." *S.P. Ireland* 319, 80.

22 May. Entry of the King to the Lord Lieutenant.

For appointing Thomas Elliott, a groom of the Bedchamber, Chief Clerk or Register to the Commissioners appointed or to be appointed for the valuation and setting out the third part of lands between the ancient proprietors, adventurers and soldiers. *Beneficial clauses. P.* ⅔. *S.P. Dom. Entry Book XXII. p.* 149.

[23 May.] Petition to the King of Henry, Earl of Clanbrassial, showing that:—

By the rebellion and attainder of Christopher White £40 a year rent charge on part of the petitioner's estate in the barony of "Duffren," co. Down, together with £400 principal sum, and the interest due for it, became forfeited to the King, who, by letters patents under the Great Seal of Ireland bearing date 7 June, 1661, granted the said forfeiture to the petitioner and his heirs. As, however, the King, in the late Irish Act of Settlement, reserves the right to revoke any patent granted since 30 November, 1660,

He prays that the King will instruct the Attorney-General for Ireland by warrant to release upon record the Royal power of revoking the aforesaid grant of the rent charge and debt of £400 and interest. *P.* ½. *Underwritten with—*

Order, dated 23 May, 1665, referring the petition to the Lord Lieutenant of Ireland, *and endd. with—*

Report by the Lord Lieutenant on the foregoing Petition.

Recommends that it be granted. *P.* ½. (*Hol.*). *In all, p.* 1. *Endd. in* Sir George Lane's *hand. S.P. Ireland* 319, 81.

Also copy of same in which the order of reference is dated 26 May. *P.* ¾. *Ibid.* 82.

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25 May. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for the EARL OF CLANBRASILL.

Ordering that he be paid £2,000 out of the arrears of the certain and casual revenue in Ireland. *P.* ½. *Undersigned by* Secretary Arlington. *S.P. Ireland* 318, *p.* 105.

Same. SAME to the ATTORNEY-GENERAL for THEOBALD, EARL OF CARLINGFORD, and others.

Directing him to prepare for the Royal signature a bill for granting to Theobald, Earl of Carlingford, Morragh, now Earl of Inchiquin, and John, Lord Kingston, and their heirs, all the duties and impositions arising and growing due from the hearth or smoke money in and through Ireland by virtue of an Act of Parliament entitled, &c.,[1] also all such duties, impositions, &c., that shall accrue upon the passing of two several bills, the one entitled an Additional Act, &c.,[2] and the other "an act for better letting to farm the Revenue arising to His Majesty by hearth firing places and stoves[3]" in which acts our said farmers have desired several amendments; and of all benefits and profits that shall accrue by any other act hereafter to be passed, within six years next after our said grant, concerning the said duty. They shall hold these duties, &c., for six years from the next feast of St. Michael at a rent of £30,000 a year, payable at Lady Day and Michaelmas in half-yearly instalments. The first payment to be at next Lady Day or 120 days after.

The grantees to have power to nominate Commissioners for executing the acts, and to appoint Deputies and other officers. Clauses for surrender in case of infection, &c., or in case the last mentioned bills be not passed, and for allowing the patentees to get a reduction in their rent if the duties which they are to collect be diminished by Parliament, and for increasing such rent if such duties be increased, shall be inserted in the grant. Clauses for freedom for the patentees from taxation in respect of the farm, for immunity of their agents from civil and military service, and such other clauses as are inserted in the grant of the farm of the Excise and the instructions for licensing ale-houses shall also be inserted therein; also a proviso reserving re-entry to the Crown in case the rent be not paid for 120 days after it is due. *Pp.* 2. *Undersigned* [*not autograph*] *by* Secretary Arlington. *Ibid. pp.* 106-7.

Also Royal warrant to the Attorney and Solicitor-General in same sense. *Pp.* 2½, with Sign Manual. *Endd. S.P. Ireland* 319, 83.

Same. ENTRY of the KING to the CHIEF and OTHER JUSTICES of the Court of Common Pleas in IRELAND for the EARL OF ORRERY and his son, ROGER, LORD BROGHILL.

We are informed that a marriage has recently been made between Lord Broghill and Lady Mary Sackvile, one of the

(1) *See* 14 and 15 Car. II., cap. 17. for the title.
(2) *See* 17 and 18 Car. II., cap. 18. (3) No such Act appears in the Statute Book.

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daughters of Richard, Earl of Dorset. In consideration thereof certain manors, seignories, &c., are to be settled on Lord and Lady Broghill, as well for her jointure as otherwise. These manors, seignories, &c., were—

The site, circuit, &c., of the dissolved monasteries, abbies, and religious houses of Monasterne Gillagh [Monaster ne Calliagh*] with all the towns, lands, rectories, impropriate parsonages, &c., of Askeaton *alias* Askeatinge, Ballingarry, Moyallo [Mallow?], Killbullane [Kilbolane], and Droomtariffe [Dromtarriff], and also all those the castles, towns, manors, and lands, &c., of Broghill, Lescottane [Liscullane?], Rathgogane [Charleville*], Tungealy, Mohergreans, Knightstreet, Knightsmill in Ballingarry, Askeaton, and Ballinchawe [Ballinacurra?]. All of these are in Mack Awliff's country. Also all the castles, manors, honours, seignories, towns, hamlets, villages, &c., rectories, parsonages, advowsons, &c., tithes, glebes, &c., markets, fairs, ferries, fishings, mills, waters, watercourses, water-ways, wears, warrens, parks, mines, quarries, woods, underwoods, turbaries, courts, courts leet, courts baron, waifs, strays, deodands, felons' goods, liberties, jurisdictions, immunities, royalties, hereditaments and hereditary profits, benefits, or commodities, whatsoever or of whatsoever nature, spiritual or temporal, being in the manor of Broghill and Rathgogan and town of Liscollane, and all the other lands, tenements, &c., of Richard late Earl of Cork, father of the Earl of Orrery, within the cantreds or barony of Killmore and the territory or precinct of land called Macawliff's country in the co. Cork, and all other the manors, castles, seigneuries, dissolved religious houses, rectories, impropriate tithes, lands, tenements, hereditaments, &c., in Kerry, co. Limerick and Limerick City, or within either, all, or any of them, &c., wherein the late Earl of Cork had any estate of inheritance, and all the messuages, houses, garden, &c. in the city of Dublin, heretofore purchased by the late Earl of Cork of Sir William Fenton, Kt., and others, and all that the late abbey or monastery called St. Francis Abbey near the north gate of the city of Cork with all the edifices, towns, fishings, and mills, &c., belonging to that abbey and also all the towns, lands, tithes, &c., known as Knocknehenny [Knocknaheeny], the Kileenes [Killeens] and Kilnegannah *alias* Canonstown with their titles and appurtenances; containing by estimation three-and-a-half ploughlands, being parcel of the possessions of the late dissolved religious house of Gill *alias* Gill Abbey *Latine* [?] *Monasterium de antro Sancti Finbarri prope Corke*; and also all the castle or port in the town or walls of Bandonbridge called Lewis his gate, leading towards the barony of Carbery with ten acres of ground near the said castle.

These manors, seigneuries, &c., cannot be properly settled unless a common recovery of them be suffered by Lord Broghill, who is eighteen years old or thereabouts. We grant to Lord Broghill by himself or his guardian to suffer such common recovery of all the premises by such apt and convenient name and names, quantities, descriptions and acres as shall be thought fit on that behalf, notwithstanding the fact that Lord Broghill is not yet 21 years old: this being the only cause why the settlement cannot be made in the

* Kindly suggested by Mr. W. H. G. Flood.

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ordinary legal way. We give you and all the other Justices of the Court of Common Pleas in Ireland power to permit Lord Broghill or his agent to suffer such recovery as tenant or vouchee, and to proceed therein with effect for perfecting the same according to the usual course of law for suffering common recoveries as accustomed in our said Court. *Pp.* 3. *Underwritten* as in title above. *Signed by* Secretary Arlington. *S.P. Ireland* 318, *pp.* 100-103.

Also docquet of same, dated 12 April. *Seven lines*. *S.P. Dom. Docquets XXII. p.* 122.

25 May. ENTRY of WARRANT to the SOLICITOR-GENERAL.

Directing that a clause be inserted in the Bill of Settlement for paying to Dame Martha Gifford the arrears due for service before 1649, to Sir John Gifford, deceased, the father of her late husband, Sir Thomas. The negligence of an attorney prevented her claim from being put in in time. *P.* ½. *S.P. Dom. Entry Books XXII. p.* 147.

26 May. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY concerning ATTAINDERS in IRELAND.

By our Declaration of November, 1660, since confirmed by the Act of Settlement, we determined to grant an act of oblivion to our subjects of Ireland for all crimes relating to the late rebellion and war there, except notorious murders. We hear, however, that certain malicious persons "promiscuously prosecute" others for murder even at the moment when the Bill of oblivion has been sent over here so as to be passed in due form. You shall direct the Attorney-General to consider all such indictments and attainders as may be made for crimes committed before our restitution, and to enter a *non vult prosequi* to suspend all such prosecution until the Act of oblivion be passed, whereby crimes may be better distinguished and those only proceeded against which are excepted from pardon by the act. *P.* 1. *Signed by* Secretary Arlington. *S.P. Ireland* 318, *pp.* 103-4.

29 May. Lisburne. JOHN HARTNALL to [SIR GEORGE RAWDON].

Sir,

"I rese[ive]d the diel [dial] sent by the *harp* and all so the 40 pound of yerne [iron?] sent by Robert Modkuson and have spoake with the keeper about the making of the netes for his one [own] use." He says he will make nets, but wants "yeoren" [iron?] and desires you will have one hundred pounds of the smallest sort sent down by rob Modkeson and that it may be sent down by the "fearest" [first]. As for the de Coy [decoy], I hope it will go on a pase [apace]. We have sat [set] the pond to "deg" [dig] by the great [lake]. We have divided it into four quarters and have four men at every quarter, which will be a great cause to make it go on apase if the wader [weather] be not very wate [wet]. It will be expensive for I think the "degging" of the pond will cost about £140.

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We are to give them 13 shillings for a square perch and there will be 160 perch to be "deged" three foot deep besides the "skoupes" [scoops?] and the pipes; and Mr. "Johnos" [Johnson] intends to make a moat about the pond 12 foot broad and to cast it all one way, which will be great charges. We have ten men casting up a large highway from the dry ground down to the decoy, which is set out 16 foot broad and the "tranches" [trenches], both sides are 7 foot broad and 4 foot deep, which will be a very large way. "Sar, as for large oxen [they] are very hard to be got here and very dear," for if they be but "in defrant" [indifferent] oxen they will cost six pounds apiece or more.

I have bought in 35, but not all big ones. I think I shall buy no more than Molen gar fare [before Mullingar fair]. I think to go "theader" [thither] on 24 June and desire to know how oxen "reuel" [rule] in those parts. *P.* 1. (*Conway Papers.*) (*Hol.*). *Written very badly and with ignorant spelling. S.P. Ireland* 319, 84.

31 May. Dublin. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

I am waiting for Captain Langford to come to Dublin and perfect the agreement. He delays and his wife is, it is thought, upon her death bed. I paid Mr. Bryen his £400 last week on his bill at one payment and expect £200 of it to be sent here by Adam [Leathes] when my horses come up. *Details.* The enclosed from Major Stroud will inform you of several matters at home. I fear I must disappoint you about the hawks. Either they have not bred this year or else they have, as I fear, been stolen. I cannot suspect Mr. Reynold Conway, though an English falconer (as I hear) was seen in his company three weeks since. I expect knavery will be found out somewhere. I have your lordship's letter in Lord Aungier's hand about a cast or a goshawk for the Duke of Albemarle. If your lordship can, when you go to London, with conveniency provide plate for the next year's race and get it sent over by Mr. Vyner, I would punctually pay or transmit the money. It is £31 10*s.*, but the charges of return will remit some of it—I think a noble.

[A] bason without any ewer will be the fittest and most acceptable. I have a young horse of my own breed and training that "Jockyes" says is very hopeful and perhaps may make one there next year. Plate here is not so good nor so well made as in England.

We are anxious at not hearing from Ragley and fear my lady may be weaker. Thomas Abbott and his wife went down upon the Bishop of Down's horses. He came up chiefly to go to law with Moses Hill about Glin, but this day they have submitted their differences to my Lord Primate for his lordship and to me for Lieutenant-Colonel Hill. The difference between him and his brother was sat upon to-day, but I think will hardly be ended but by law.

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If your lordship received my last with a note of forfeited lands which lie about Sligo and are now in Alderman Smith's hands and which the trustees doubt not but to recover, and if you think well to get a letter to get them set to you, it will be necessary that such letters should be not only for them, but for all other forfeited lands within the mile line in and about Sligo for there [are?] other lands upon the same title thereabout, as I am informed, claimed to belong to the '49 security. We daily expect some good news from the fleet. The Earl of Cork arrived two days since and gives hope of a sudden despatch of the bill. *Pp.* 1½. (*Hol.*) *Conway Papers. Add. as letter of* 11 February, 1665, *above, p.* 538. *Post paid. S.P. Ireland* 319, 85.

JUNE, 1665.

3 June. Dublin. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

This is principally to convey the enclosed to your lordship. It came to me from John Totnall to show you what is adoing at the Tunny park, "where since they are cutting wood." I have written to him and William Hoole to have with the keeper's advice a "cock-glade" made, and have sent them Dutch yarn for his plover nets and other nets; but I see no hopes of a hawk this year. Upon the second inquiry they endeavour to persuade me they did not breed and that they have used to miss every seventh year, and that this is the year. I hear also from the Lord Dungannon and others that hawks fail in other ayries this year, and he has not had any sent up [to Dublin]. "But if your ayry had proved I should have forborne delivering the tassell to Sir Richard Kennedy till I had acquainted your lordship with the Lord Dungannon's claim of a tassell by your promise, for which he produces witnesses that heard it." Captain Langford still delays me here. Our latest news is that the Dutch fleet is at sea with orders to fight the Royal fleet wherever they meet. "God give us success." They also tell us that our long expected bill is almost closed, and will be over "suddenly" and with it my Lord Lieutenant. I doubt this, unless some sudden and successful engagement put the war to a good issue. "If anything fall out otherwise, which the Lord forbid, I doubt there are ill spirits in all the three nations ready for mischief. I hear no news from our part of the country, but in Galway and the West of Scotland they have with great severity disarmed all the county not only of their firearms (their pistolets) but of swords and other weapons."

We hope for better news of Lady Conway and hear she is very weak. *Details.* Our children are well, "Ned and Jack take their learning well with Mr. Haslam, and on holy days ride abroad with Mr. Mildmay. They were at the decoy last week and much pleased with their journey.

There is nobody now at Portmore nor at Hillsburrow. The Bishop is here, my lady at Armagh and my cousin Rogers with my wife and Puggis [?] I think, also Jenny and Doll. Hill are there."

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My brother Francis is sued "hearing to and outlawry" by Alderman Totty for £28. I have sent to prevent it. "The weather is extreme hot, and, if our almanack guess right, it will be a dry summer. The green at Oxmantoun is a most noble place, and every evening my Lord Deputy bowls there, and the ladies at Kettlepins, which spoils the play house." *P.* 1. (*Hol.*). *Conway Papers. Add.* to Lord Conway at Ragley, &c., *as letter of* 15 February, 1665, *above. Post paid. S.P. Ireland* 319, 86.

8 June. Whitehall. The King to the Lord Lieutenant and Lord Deputy for Thomas Wise, of London, merchant.

Wise represents to us that an estate fell to him in Ireland during this rebellion, that he claimed for it as an innocent before the Court of Claims and that they restored it to him, but that he desires to have it secured to him by letters patents. We have referred this petition to you, the Lord Lieutenant, and you have recommended us to grant it. If you, the Lord Deputy, find the facts alleged by Wise to be true, you shall take steps according by request, and insert beneficial clauses in the patent. The rent reserved to King Charles I. shall be still reserved. *P.* ½. *S.P. Dom. Signet Office VI. p.* 86.

Also note of same. *S.P. Ireland* 318, *p.* 109.

Also draft of same. *Pp.* 2. Dated — June. *Endd. S.P. Ireland* 319, 87.

Also warrant for same under the Sign Manual. *Pp.* 2. *Countersigned by* Secretary Arlington. *Add. Endd. Ibid.* 88.

9 June. Whitehall. Same for Cormack O'Neile.

£300 was due by speciality to Constantine O'Neile, of Ballyhennod [Ballyhenny?], co. Down, in 1640, from Dame Martha, widow and relict of Sir Henry O'Neile. Constantine has since been attainted and convicted of high treason against our father, by which the £300 is come to us. On the petition of Cormack O'Neile, of Brugshane [Broughshane], co. Antrim, and Mary, his wife, we have granted them this sum. You shall by warrants direct the Attorney-General to sue, implead and prosecute Dame Martha for, and use all means for recovering, this sum, and shall direct the Chancellor and officers of the Exchequer to issue out process for the said sum and for damages for forbearance. The sum recovered shall be forthwith paid to Cormack to his own use. *P.* ⅖. *S.P. Dom. Signet Office VI. p.* 86*d.*

Also note of same. Dated 19 June. *S.P. Ireland* 318, *p.* 109.

13 June. Whitehall. Same for Sir Edward Smith.

Directing that Sir Edward be granted by patent the office of Chief Justice of the Common Pleas in Ireland, which is vacant

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owing to the death of Chief Justice "Donelane," with all fees, privileges, profits, &c., incident thereto. He shall also be sworn of the Privy Council of Ireland. *P.* ¾. *S.P. Dom. Signet Office VI. pp.* 86 *and* 86*d.*

Also note of same. *S.P. Ireland* 318, *p.* 109.

14 June. Dublin. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

Captain Langford and I have, I am sorry to say, broken off. When he came up he had so many new proposals that I thought it not less [more] trouble to get the whole thing settled in Court than to make any agreement with him. Nothing will do him but to have the lands in fee farm to give him a title to which he cannot show any writing, nor can he produce any warrantee from his father to acknowledge a judgment. The fourth day of next term is fixed for reading the record of the special verdict and proceeding to the argument. I hope to make up next term for the loss I have incurred by placing faith in his more steady and clear dealing.

We have the welcome news of the success of the Fleet by to-day's packet, and hope for fresh news of a complete victory to-morrow.

To-morrow I go northward. *Details.* The arbitration between Lieutenant-Colonel Moses and Will Hill has failed. Moses told Sir Richard Kennedy [the arbitrator] that if he found in his award that the lease was good he would ruin his [Moses'] wife and children. Sir Richard Kennedy, after hearing this, refused to go on with the award and the lawsuit now proceeds, but after loss of a term "and this is the success arbitrations have with wilful and unreasonable men."

I am weary of Dublin and long to be at home. I shall at once go to the Tunny and see the deer and the decoy, which are both well forward. I leave the Bishop of Down here. My troop has orders to march out and lie upon the sea coast according to orders. There are two small Dutch capers which have taken seven vessels about Donaghadee and have landed men in their boats to take sheep and beeves, and put the country in a terror. I hope the two frigates sent from here may meet them and that their courage will be cooled by the victory. The Earl of Donegall's troop hath the like orders. We had ill news of three or four vessels from the West Indies laden with sugar, tobacco and indico, which were taken last week on the West of Ireland.

P.S.—I have written my special thanks to my Lord Lieutenant and Mr. Solicitor, and I am promised that within ten days the '49 Trustees, £200 will be transmitted to Mr. Solicitor. Lord and Lady Massereene have been here. His lordship is still very ill of the stone. I observed your lordship's commands to the Archbishop of Dublin, who is much your servant. *Pp.* 2. (*Hol.*). *Conway Papers. Add. to* Lord Conway at Ragley. *S.P. Ireland* 319, 89.

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17 June. Dublin. to JOSEPH WILLIAMSON.

Sir,

"The sunshine of victory over the Dutch fleet met with some clouds in the faces of phanatique discont[ent]. One single person's loss stole away a lady's joy which else had been extreme multiplied—the Countess of Roscommon swooning away four or five times upon the news of her most hopeful brother's (Mr. Richard Boyle's) death. Yet this stemmed not the tide of our public and gratulatory devotions, the Deputy last night with a numerous train marching to Christchurch about 8 o'clock and continued (with a thronged congregation) till about eleven in Halelujahs for His Majesty's unparalleled success by sea." We now hope that the bill will arrive soon, and my Lord Lieutenant. "Trade till then is like to continue dead and mortal to some without the plague," which as yet has proved fatal to no one in Ireland. "Alderman Tye's [Tighe's] new bowling green (placed upon so airy a ground) so fans the nobility and gentry of both sexes every day that no immoderate heat offends them nor putrifies their blood. The new project of walling out the sea goes on between the Custom House and Lazy Hill, being abetted with more than formerly—a double wall and a fair bank between. The fame of Locker's pills is grown very private here of late and yet recoveries are daily compassed. We live still in expectation of an enlarged triumph by news of more Dutch ships brought in." We all pray for that. *P.* ¾. *Unsigned. Add. With seal, four fusills conjoined in fesse. Endd. in* Williamson's *hand. S.P. Ireland* 319, 90.

About [same]. MEMORANDUM on the depredations of DUTCH "CAPERS" in the Irish seas.

Coleraine, 9 June. On Friday last after the post went hence there arrived in the *Skerries* of Portrush, the *Dolphin* of Coleraine from Rochelle, which vessel was the day before taken by a Dutch caper; but she, having all French men aboard except the "Pilate" (who went in here from this Port) they let them go after examination, but "tortered" the pilate very much to make him discover whether she did not belong to this country. They took all his clothes and moneys, one h^d^. [hogshead] of wine, one of vinegar, four pistols from the master and several other goods to the value of £30 or £40. The pilate informs that he saw none but the capper that took them. She is an Ostender about 60 tons burden, [with] 8 guns, 20 oars and about 60 men.

Londonderry, 9 June. Yesterday a Bristol ship of 100 tons with Virginia tobacco arrived at the Lough's mouth; Robert Jordan, commander; number of hands unknown. There is now one Dutch capper on the coast [*described*; probably same as in last par.]. She has taken several vessels. She took the *Dolphin* of Coleraine on Monday last, but as the *Dolphin* had French papers she got away. Her cargo was French wine, salt, brandy, and vinegar.

1665.

Kinsale, 9 June. Last night there arrived here the master and five seamen belonging to the *Nevis Adventure*, William Smith, master, from Nevis for Bristol with sugar. She was taken sixteen leagues to the west of the Cape by two capers, one of twenty-two, the other of twenty-three guns. They had previously taken three ships, two of Bristol and one of Plymouth; all were coming from the West Indies and were laden with sugar.

There is not at present any one of the King's ships on this coast save the *Guift*, which is victualling in this harbour.

This day I had news that there was seen yesterday a little to the west-ward of the Owls' Head two ships in fight a long time. "Towards evening one of them was discovered to be on a light fire."

There are four capers on this coast and they give out that they will not part until they have taken all our West Indian ships. Indeed, as there are none to oppose them "'tis ten to one if they escape." *P.* 1. *Add. to* Joseph Williamson. *Endd.* (1) "Received 20 June." (2) The *Leopard* building in place of the *Orange*. Commander Everts laid down his commission. *S.P. Ireland* 319, 91.

19 June. Entry of Order in Council on the Petition of the Earl of Strafford and Thomas Radcliffe.

The Solicitor-General to cause the annexed[1] proviso or one of the like tenor to be inserted in the present Bill of Settlement, or, if there be anything against it, to report accordingly to the King. *P.* ½. *S.P. Dom. Entry Books XVIII. p.* 173.

20 June. Same on the Countess of Kildare's Petition.

Similar to the foregoing on the petition of Strafford and Radcliffe. *P.* ½. *Ibid. p.* 174.

22 June. Council Chamber, Dublin Castle. Proclamation by the Lord Deputy.

Proroging the Irish Parliament from 4 July to 3 August, 1665. *P.* ½. *Entry, overwritten by the* Lord Deputy *and underwritten:* "Printed by John Crook, printer to the King, and to be sold by Sam. Dancer, bookseller in Castle Street. *S.P. Ireland* 309, *p.* 165.

Same. Same by the Lord Deputy and Council.

Directing that the 4th of July be kept as a day of solemn thanksgiving, for the late victory at sea, and observed by all persons "with sobriety, reverence and thankfulness." *Pp.* 1¼ *as foregoing, but signed* [*not hol.*] *by* 14 Privy Councillors. *Ibid. pp.* 166-7.

(1) The proviso is not annexed.

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General date 24 June.

DOCUMENTS RELATING TO THE CASE OF EDWARD, LORD HERBERT, BARON OF CHIRBURY AND CASTLE ISLAND.

Petition of Edward, Lord Herbert, to the King, showing that :—

The seignory of this island of Kerry being heretofore part of the forfeited possessions of Gerald, late Earl of Desmond and his confederates, attainted in Queen Elizabeth's time, was granted in 1589 to Sir William Herbert, the petitioner's ancestor, for his great services. He was to pay rent for the arable land thereof according to a survey to be made; but, before it was made, Tyrone's rebellion broke out, and Sir William Herbert's plantation was ruined and he himself was forced to come to England. He there died, leaving his only daughter and heir an infant; and the seignory was by mistake overcharged in his absence. Upon complaint made thereof to King James in 1605, when Sir Arthur Chichester was Lord Deputy of Ireland and Sir Thomas Roper was tenant of the seignory under petitioner's grandfather, who married the aforesaid daughter, the seignory was surveyed, and the rent reduced to £40 a year. This has ever since been put in charge, and paid accordingly to the Irish Exchequer and Treasury, as by their order and acquittances of the said Court and Treasury appears.

The petitioner's ancestors have had much more losses and hazards than benefits "in planting, peopling and inhabiting the said seignory, lying in the worst and remotest part of Munster."

The seignory was detained from petitioner or his father for twenty years and was afterwards wholly laid waste and destroyed by the late rebellion, usurpation, and tyranny in Ireland.

Petitioner's father, being impoverished both in Ireland and England by his loyalty, was, in spite of the devastation aforesaid, compelled to charge the seignory with portions for five daughters and two younger sons.

Petitioner has been at great charges in endeavour to replant the said seignory, and in quieting the possession of some lands granted therewith to his ancestor, Sir William Herbert. For these he obtained a decree, and now enjoys them; but his seignory in Munster is so wasted and destroyed that he has to maintain his brothers and sisters out of his small property in England and Wales.

He prays for confirmation to him of the grant made to his ancestor, and also a fresh grant from the King, by letters patents, of the said seignory and premises with all their rights, royalties and privileges, at the rent of £40. Thereby he may be encouraged to proceed with the plantation and enabled to provide for his brothers and sisters. *P.* ⅔. *Endd. S.P. Ireland* 319, 92.

Further Petition of Same to Same.

Opens by stating the facts set out in the first paragraph of the foregoing petition *and proceeds* :—

Petitioner's father was further impoverished by raising and recruiting a regiment of foot and a complete troop of horse for the

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King; and had, in consequence of his poverty, to sell a great part of his own and your petitioner's estate, and died leaving petitioner a great debt besides the payment of portions [*for which see foregoing*]. Petitioner is also impoverished because he voluntarily adventured his life and fortune in the "late Cheshire engagement" and raised a troop of 140 horse for it. They were lost in the engagement, and for his participation in the movement petitioner was plundered and sequestered by the late usurped power. He is so much impaired and weakened by his estate therein that he cannot attend the King either at Court or in Parliament. He desires to "support himself and his family in some sort suitable to that honour and degree" His Majesty's progenitors conferred upon his ancestors.

He prays that the King will accept a surrender of the seignory from him and grant it to him afresh at £40 a year, and asks for a grant of further lands in Ireland to be discovered by him as forfeited and concealed from the King, of the value of £1,000 a year, with the privileges usually granted to seignories in that kingdom; and further asks that, whilst he is discovering such lands up to that value, he may have a *custodium* of such lands as he shall from time to time discover in order thereto. *P.* 1. *Endd. generally and also* "Lady Herbert." *S.P. Ireland* 319, 93.

Further Petition of Edward, Lord Herbert, to the King.

Recites some of the facts stated in the foregoing. The late powers, after expelling petitioner from his Irish estate, restored him to it when he produced his evidences. Petitioner is advised that in regard of the alteration of the tenure of the said lands by a late Act of Parliament in Ireland and by reason of the several Acts of Settlement in that kingdom, some doubts may arise concerning his interest in the estate unless he is confirmed therein by letters patents. As he desires only the estate anciently possessed by the said Sir William Herbert, and enjoyed and recovered by himself,

He prays that letters may be sent to the Chief Governor of Ireland on the petitioner's behalf requiring that letters patents may be passed to petitioner in Ireland, confirming to him and his heirs all the said lands, and that at the rent paid for them in 1641. *P.* 1. *Signed. Endd. with*—

(1) Order, dated[1] December 17, 1664, referring the petition to the Lord Lieutenant, on whose report the King will declare his further pleasure.

(2) Report by the Lord Lieutenant.

Recommends that the petition be referred to the Law Officers of the Crown, who shall certify what they think proper and just for the King to do for the petitioner's relief.

(3) Order,[2] dated 20 May, referring the petition to the Law Officers as suggested in the Lord Lieutenant's report.

(1) Signed "H. Bennett."

(2) Signed "Arlington" though on same sheet as earlier order. The warrant for making Sir Henry Bennet Baron Bennet of Arlington is dated 6 March, 1665.

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(4) Report by Sir Heneage Finch.

The petitioner's desire to have a fresh patent is quite consistent with the new Irish Act if your Majesty be pleased to accede to it. For I find by some late proceedings in the Court of Exchequer in Ireland that these lands were not set out for rebellion to any adventurers or soldiers. Therefore the confirmation of this title can be no prejudice to anybody but your Majesty.

If your Majesty grant Lord Herbert your letter into Ireland for a new patent, your learned counsel should take care that no new thing be done for the petitioner in prejudice of your Majesty's right, but only his old title confirmed. *Signed, and dated* 17 June, 1665. *The last report, p.* ½. (*Hol.*). *The whole, pp.* 2½. *S.P. Ireland* 319, 94.

Further Petition of Edward, Earl Herbert, to the King.

Petitioner's recent petition for restoration to his estate in Ireland has certified by the Solicitor-General to whom it was referred to be reasonable.

He prays for direction for a patent accordingly, and that, to avoid delays, he may have a warrant for such patent to be passed under the Great Seal not of Ireland but of England. *P.* ¾. *Endd. Ibid.* 95.

Draft of the King to the Lord Lieutenant for Lord Herbert.

Sends his petition and directs that, if the allegations in the petition be found true, and Lord Herbert be in possession of the premises, and the grant do not prejudice the public service in Ireland, patents be passed granting him and his heirs, &c., the seignory as aforesaid and the other lands mentioned in the petition. All the usual rights to be granted to him. A rent of £40 to be reserved. *Pp.* 1½. *Endd. Ibid.* 96.

Rough notes relating to the facts in the foregoing petitions. *Pp.* 1¼ [*scattered*]. *Endd.:* "Lady Herbert." *Ibid.* 97.

Draft of the King to the Attorney-General of England for Lord Herbert.

Queen Elizabeth on 6 March, 1589, granted to Sir William Herbert and his heirs "all that the Castle of the Island" with the lands thereto belonging in Kerry, the lands of Coggerikerry with the appurtenances, the castle of Ballin Addam [Ballymacadam], and the lands thereto belonging, the township called the Desert with its lands and appurtenances in Kerry, the castle called Ardnegraughe [Ardnegragh] with same, and the castle of Kilcostenie with same, with certain woods and lands called Drumlegagh [Dromlegagh], the township of Ballimarishall [Marshalstown ?], with its appurtenances, and the castle and lands of Ballinroddery [Ballinrody] with the appurtenances escheated, attainted and concealed in the cos. Kerry and Desmond. He was to hold them by the name of the Seignory of Mounteagle Loyal.

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A decree of the Court of Exchequer in Ireland, dated 20 June, 1657, settled that Edward, Lord Herbert, the grandson and heir of Edward aforesaid, and Mary his wife, daughter and heir of the said Sir William Herbert, might occupy and enjoy the said lands of the names of Tullileagh, Knockanienach [Knockeanagh], Knockinegossill [Knocknagashell], Knocknigore [Knocknagower], Killmurry, Ballynard, Killveiritt [Kilveritt], Knockenty [Knocknakip], Adergovale [Addergown], Comermeade [Comeragh], Carker, the castle and lands of Ballym'adam, Tulligedmond [Tullig], Clydane or Cludane [Clydagh] and Inseboy [Inchiboy], being part and parcel of the said seignory of Mounteagle Loyal in Kerry, with all their appurtenances. It appears by a *concordatum* enrolled in the said Court of Exchequer, dated 9 June, 1612, and made in pursuance of letters of King James I., dated Greenwich, 29 April, 1605, that the said seignory should afterwards be charged with the rent of £40 annually payable to the Crown. As Lord Herbert petitions, you shall prepare a bill for our Royal signature containing a grant of these lands, under these names, to him and his heirs for ever. Rent of £40. Free and common socage. *Pp.* 4, *large. Endd. S.P. Ireland* 319, 98.

Also entry of same. *S.P. Dom. Entry Books XXII. pp.* 195-196.

This concludes the documents relating to this case.

26 June. Entry of Order in Council on Sir Henry Slingsby's Petition.

As the Commission for executing the Declaration have certified the King touching Slingsby's case, his petition is referred to the Duke of Ormond for his report as to what is fit to be done. *P.* ½. *S.P. Dom. Entry Books XVIII. p.* 177.

Same. Same on the Petition of Dominick Skerrett.

He desires his estates may be secured by the Act of Settlement. Referred &c. *as foregoing. P.* ½. *Ibid.*

27 June. Same on the Petition of Lord Collooney.

Referred to the Solicitor-General who is considering the petition of Strafford and Radcliffe [*see above* 19 June], who, before acting on the latter petition, shall consider that of Lord Collooney and what else may be offered to him on the matter. *P.* ½. *Ibid. p.* 178.

1665.

27 June. Whitehall. The KING to the LORD LIEUTENANT and LORD DEPUTY for the EARL OF CLANBRAZILL.

By patents under the Great Seal of Ireland, dated 7 June, 1661,[1] we granted to Henry, Earl of Clanbrazill, and his heirs a rent charge of £40 by the year reserved upon his estate by the attainder of Christopher White in the barony of Dufferin, co. Down, together with £400 principal sum. In the late Act of Settlement we reserved power to void any patent granted since 30 November, 1660. You shall take steps to release all our claim to such rent charge and debt and also our right of revocation so far as this patent is concerned. *P.* ½. *S.P. Dom. Signet Office VI. p. 93d.*
Also note of same. *Two lines. S.P. Ireland* 319, 99.

Same. ENTRY of WARRANT to the SOLICITOR-GENERAL for VISCOUNT MUSKERRY.

For insertion in his favour of a clause in the Act of Settlement.
Clause set out. It is closely similar to Secs. 207 and 208 of the Act of Explanation.[2] The following phrase not in the entry appears in the printed text:—
Sec. 208, *ll.* 3-4, "or the now Countess of Clancarty if she survive the said Earl." *Pp.* 2. *S.P. Dom. Entry Book XXII. pp.* 213-4.

General date 28 June. DOCUMENTS RELATING TO THE CASE OF THE FARMING OF THE WINE AND *Aqua Vitæ* LICENCES IN IRELAND.

Petition to the King of Thomas, Earl of Ossory, Lord Deputy of Ireland, Theobald, Earl of Carlingford, and Sir Chichester Wrey, Kt. and Bt., showing that:—

The King granted petitioners a warrant under the Royal signature of 8 August, 1660, for farming the wine and *aqua vitæ* licences in Ireland for their lives, and that of the longest liver of them. They were to have the conditions and pay the rent had and paid by those who held the office before them.
They drew a bill accordingly, but were commanded by the King to forbear passing or enrolling it with these words—"that they should trust your Majesty and they should be sure to have their accounts out of it."
Hearing that the King is letting the wine and *aqua vitæ* licence to farm, they pray that, according to the first grant, they may be admitted farmers, paying as much and giving as good security as any shall do for it, or that the King will be pleased to grant some compensation in lieu thereof out of the yearly profits of the said farm. *P.* ½. *Underwritten with*—
Order, dated 15 June, referring the petition to the Duke of Ormond. He shall consider the offer made by the petitioners and by other applicants for the farm, and shall give it to them if they offer as good terms as any of such other applicants. *S.P. Ireland* 319, 100.

(1) I have no trace of this patent in the documents of the period.
(2) *Statutes of the Realm, Ireland III., pp.* 124-5.

1665.

Petition to the King of the Earl of Carlingford and Sir Chichester Wrey.

Similar to foregoing, with similar order, dated 20 June. *P.* 1. *S.P. Ireland* 319, 101.

Entry of Warrant to the Attorney or Solicitor-General for the Earl of Carlingford and others.

Prepare for our signature a bill containing our grant to the Earl of Carlingford, Sir Chichester Wrey and Sir Thomas Clifford, &c., of the wine and *aqua vitæ* licences in Ireland with all profits, &c., thereof, which should accrue to the Crown by virtue of any statute or custom; also of all the benefits which shall accrue to the Crown in this matter by any statute passed within the seven years next ensuing. The grant to be for seven years, and the grantees to pay a rent of £4,000 a year. The farmers shall be given power to appoint their own Commissioners for granting licences. You shall insert clauses for defalcation or surrender in case of war, invasion or rebellion, for freeing the farmer from taxes in respect of the farm, and for exempting them from civil and military service. You shall insert such other clauses, &c. as are contained in our grant of the excise and licensing ale-houses, &c. in Ireland. Beneficial clauses shall also be inserted, and a clause for re-entry in case of non-payment [of any instalment] for one hundred and twenty days after it is due. *Pp.* 1¼. Dated 28 June. *S.P. Dom. Entry Books XXII. pp.* 209-210.

This concludes the documents relating to this case.

28 June. Entry of Warrant to the Solicitor-General for Sir John Percivall.

Directing, on the Lord Lieutenant's recommendation, that a clause be inserted in the Bill of Explanation for securing to Sir John a corody out of the lands of Kinsaley, co. Dublin, to which he is entitled and of which he has already been granted a lease. The interest is a small one and rather a convenience than any considerable advantage, and Sir John has an ancient right in law to the said corody. *P.* ¾. *S.P. Dom. Entry Books XXII. pp.* 203-4.

Same. Same to Same for Cary Dillon.

Directing the insertion of a clause in his favour in the Bill of Settlement. *The text of the clause set out.*[1] *Pp.* 2. *Ibid. pp.* 204-5.

Same. Note concerning the Countess of Mountrath.

Her petition was referred to the Duke of Ormond for consideration and report to the King. *Two lines. Ibid. XVIII. p.* 179.

(1) *See* Section 171 of the Act of Explanation in *Statutes of the Realm* (*Ireland*) *III. p.* 102.

1665.

28 June. Whitehall. The KING to the LORD LIEUTENANT for VISCOUNT MASSEREENE.

The town of Antrim was, during the late rebellion, "burned to the ground and by the trouble in that our kingdom wholly ruinated," but is since, as we understand, "in a good measure re-edified." Recognising the sufferings of the town, and to encourage re-building, we require you to have patents made empowering Viscount Massereene to hold six fairs a year there, vizt., on the first and second of May, on the 4th and 5th of June, on the first and second of July, on the 4th and 5th of August, on the first and second of October, and on the 4th and 5th of November, or on such other days as may seem convenient. *Usual provision* in case these days fall on Saturday or Sunday. He may hold courts of "pipower" there at the time of such fairs. Lord Massereene and his heirs may empark 1,000 acres near adjoining the town and make them into one or more parks for deer or beasts of venery. His lordship shall hold such fairs and profits "as of our Castle of Dublin by fealty only in free and common socage" yielding a reasonable rent. A clause to be inserted authorising the inhabitants of Antrim town to return two burgesses to the Irish Parliament, and the Sheriff of the county Antrim shall be directed by writ from time to time to make his precept to the sub-sheriff to assemble the inhabitants of Antrim town for the elections of the said burgesses, and the sheriff or sub-sheriff shall see the election performed and make the usual return. Beneficial clauses to be added. *Pp.* 2. *S.P. Dom. Signet Office VI. pp.* 87*d and* 88.

Also note of same. *S.P. Ireland* 318, *p.* 110.

Same. SAME to SAME for SIR THOMAS BRAMHALL, Bt.

Sir Thomas who is the son and executor of the last will of the late Primate Bramhall has exhibited to us a petition showing that his late father served without fee as Speaker of the Irish House of Lords from June 8, 1661, to July 27, 1662. The late Archbishop removed himself and part of his family to Dublin in order to perform his duties there and resided and "kept a table constantly during the times of the several sessions" of the House of Lords. These expenses impoverished his estate so that the petitioner is left with heavy debts. He therefore asks that he may have compensation for his father's expenses in this matter. You shall direct the Vice-Treasurer, &c., to pay him such sum on this account as you think fit. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 89 *and* 89*d*.

Also note of same. *S.P. Ireland* 318, *p.* 109.

Same. SAME to SAME for VISCOUNT RANELAGH.

Sets out at length the substance of the grant to Viscount Ranelagh of 17 January, 1664,[1] *and proceeds*:—

We are informed that Lord Ranelagh has not had any benefit of our favour intended to him, for that he had not time to inform himself in the premises, and the aforesaid letters were directed only

(1) *See above, pp.* 352-354.

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to the Lord Lieutenant and not to the Lord Deputy or any other Governor of Ireland. We are also informed that several of the said lands were pretended to have been alienated to Sir Nicholas Maltby or some of his issue in tail to divers forfeiting persons, which nevertheless could not be any discontinuance of our right of reversion afterwards granted by King James I. to the late Francis Annesley afterwards Baron Mountnorris and Viscount Valentia, and come by mean conveyance to Lord Ranelagh. Our clear intention is that Lord Ranelagh should enjoy our said grace and favour without any limitation, and we therefore order you to pass patents under the Great Seal in favour of him in the sense of our former and of these present letters, containing a grant of, to him and his heirs, the manor or lordship of Roscommon and of all the abbeys, monasteries, &c.[1] Rent of £32 1*s.* 10*d.* to be reserved. Beneficial clauses. *Pp.* 3½. *S.P. Dom. Signet Office VI. pp.* 91, 91*d*, 92 *and* 92*d.*

28 June. NOTE of a letter to the Lord Lieutenant for a College of Physicians in Ireland. *Two lines. S.P. Ireland* 318, *p.* 110.

General date

DOCUMENTS RELATING TO THE CASE OF JOHN JEPHSON.

29 June. Petition to the King of Jephson, showing that:—

By letters patents under the Great Seal of Ireland, dated 21 August, 1612, full power amongst other things for the sole licensing of the selling of wine, *aqua vitæ*, ale and beer in the town and manor of Moallo [Mallow], co. Cork, was granted to Dame Elizabeth Jephson and her heirs. She and her sons, William (deceased) and the petitioner have since enjoyed that right.

By several acts lately passed in Ireland that right is given, for all Ireland, to the King and his successors, without compensation to the petitioner. This is a great prejudice to him.

He asks that in some proper bill which may be hereafter remitted to Ireland to be passed, a clause for preservation of his right may be inserted, or otherwise, that he may have reasonable compensation out of the Irish revenue. *P.* 1. *Underwritten with—*

Order, dated 7 April, 1665, referring the petition to the Duke of Ormond, *and endd. with—*

Report by the Duke of Ormond on the foregoing petition.

The Earls of Orrery and Anglesey have reported to me on Jephson's patent. They say that it is as set forth in his petition, and he paid a fine to the crown for the right, which is clearly his. He should be allowed ten years' purchase of his profit thereon—which means, according to a certificate of two justices for the co. Cork and to his own testimony, a sum of £300, in respect of the licences for ale, beer, and strong waters. If the right to licence

[1] *See* the grant of January, 1664, above referred to. The site, &c. of the late dissolved house and monastery of friars of Longcurt is, however, not specially mentioned in this grant.

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the selling of wine be also taken from him he should be paid on the same footing £200, less £25, the latter sum being the purchase value of £2 10*s.* a year rent paid by him to the Crown for the right to sell wine licences.

I think the Governor or Governors of Ireland should be authorised to pay him £300 and £175 according to this recommendation, in consideration of his relinquishing both his rights. P. ⅔. *Signed. In all, pp.* 1⅔. *Endd. S.P. Ireland* 319, 102.

The King to the Lord Lieutenant for John Jephson.

Sets out the facts recited above and orders the Lord Lieutenant to direct the Vice-Treasurer of Ireland to pay Jephson the sums mentioned in the above report. *Pp.* 1½. Dated 29 June, Whitehall. *S.P. Dom. Signet Office VI. pp.* 88*d and* 89.

Also note of same. *S.P. Ireland* 318, *p.* 110.

Also draft of same. *Pp.* 1⅒. *S.P. Ireland* 319, 103.

This concludes the documents relating to this case.

June. Draft of Pass to Vice-Colonel Butler.

Vice-Colonel Butler, a man of noble blood and an Irishman is setting out from Bristol to Hamburg. Recollecting his loyalty and great services to our cause at home and abroad, we accompany him with this letter. We enjoin and direct [*injungimus et præcipimus*] all States, Republics, &c., and their officers, &c., to allow him, with his wife, family and goods, to pass and return freely, &c. *P.* 1. *Latin.* Dated June, 1665. *Endd. S.P. Ireland* 319, 104.

About June. Petition of Sir John Eustace to the King, showing that:—

King Charles I. in 1647 granted to Sir Maurice Eustace, then his sergeant-at-law, the "site, circuit, ambit and precinct of the monastery or abbey of Canons of Cong," with the appurtenances in the co. Mayo, and also the site, circuit, ambit and precinct of the late hospital or priory of St John's of Athy in the co. Kildare, in Ireland, for ever, at rents respectively of £Ir28 17*s.* 4*d.*, £14 6*s.* 10*d.*

Sir Maurice Eustace devised the premises to petitioner and his heirs by his last will,[1] but the letters patents are defective for want of recitals of former leases yet in being—and hereby petitioner may be deprived of the benefit of the grant and devise.

He prays for the issue of new letters patents with a *non obstante* to obviate this difficulty. *P.* 1. *Signed. Endd. S.P. Ireland* 319, 105.

July, 1665.

1 July. Lis[burn]. Sir George Rawdon to Viscount Conway and Killulta.

I send an enclosure at the Bishop of Down's request. Lord Caulfield ("who dined here yesterday, and he and some Armagh

(1) Sir Maurice Eustace died 22 June, 1665.

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gentlemen with him, and bowled all the day") told me he had a commission sent him last post for a quarter-master to his troop that he writ for to Sir George Lane; and I fear Robert Conway may be prevented by some other if his commission be not procured suddenly. We are all well and Tuesday next is our thanksgiving for the great victory at sea; but I know not of any to preach unless my Lord Bishop can appoint one. I am going to the Tunny to see how the works go on there and shall be at dinner at Portmore. John Totnall and my man were at the great fair at "Molingar" but came back without any oxen, the time for their transportation being so near that they gain greater prices than John thought them worth, and there was very few large oxen. He was yesterday at Armagh fair, but I know not yet till I see him anon how he sped. Hay has been cut above ten days ago at the Tunny. "If it had staid longer the weight of grass could hardly have been carried off with a sythe it is sò mightily grown. I have sent Thomas Ricabby over into Lancashire to see if he can find any market for iron. I can sell none here and have worth near £1,000; and for these two or three years I have with great difficulty but got money out of it to carry it on and pay for workmen's wages to coal and bring over mine, and to keep it going." Perhaps he may come near Ragley and will wait on you. "This time of war it may be he may (if it give £20 a ton) agree for delivery of it far from the sea and abate for carriage, for here are so many works that (though no foreign iron come in now) the country are so poor that more is made than they can get money to buy and pay for." *Family compliments follow.*

We have no news of what the Lord Sandwich's squadron that pursued those ships and fled northward hath done, or what will be next after this great victory with the Dutch and French.

P.S.—My brother Francis has brought us venison from Lord Massereene on his return from Coleraine. My service to the Dean. I hope he will not stay too long in England. *P.* 1. (*Hol.*). *Conway Papers. Add. as in former letters, see e.g. p.* 538 *supra. Endd.: Post paid,* 1*s. S.P. Ireland* 319, 106.

4 July. Lisburn. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

"The proposition I received by yesterdays' post concerning glass-making, occasions this sudden answer to your lordship's of the 27th of June, that, if you be of my opinion and your other servants here, there be no further treaty of this kind tending to so great and certain an expense upon such uncertain hopes of getting it in again; and I have found by sad experience that people of meaner rank than these are never content with what is done for them while they are upon such an account of wages and entertainments upon another's purse, and, as your lordship observes, other charges beside the computation of £15 a week (which itself is high) may be as much more, and where is the rent or how long ere any return be made of the commodity transported; and we are not sure

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of the goodness of the sand here and other materials. But if any will upon their own account come over and make their own work, from Stourbridge or any place where ordinary glass for bottles, window glass, &c., is made, and give some small rent for woodleave, &c., I think that may be far more advisable than to run the adventure of a quarter of that charge Sennior Mallyo expects."

I am very sorry for the news and apprehensions of the increase of the sickness. Since you name Garrett I must say that I heard but lately from Major Stroud and Mr. Hoole that he "did profit contract with the butchers and all he dealt with for the house provisions here to give him 12*d.* in the £1; and that bargain must needs lose your lordship 2*s.* if not 3*s.* in the pound." He made, it is thought, over £200 in this country in this way. I shall observe your directions about the hearth money here, but the farmers cannot, I think, afford to let any man, however poor, omit to pay that duty. To-day we celebrated the late victory. Mr. Davies preached, though, as the Bishop's Court was fixed for to-day, we expected him; but it is, on this occasion, put off till to-morrow. "His lordship is so close at his study replying to the answers to his book against Popery that he is hardly got out of his closet."[1] We send our faithful service to the Dean and hope my dear lady may be supported in her sickness.[2] The rain of last week has stopped work at the decoy and has I fear spoiled the hay there. John Totnall is at Antrim Fair to-day. *Pp.* 1½, *&c., as foregoing. S.P. Ireland* 319, 107.

4 July. NOTE of the KING to the LORD LIEUTENANT for WILLIAM BARRET, of Castlemore.

For granting him a baronetcy. *Three lines. S.P. Ireland* 318, *p.* 123.

6 July. ORDER in COUNCIL on the PETITION of SIR WILLIAM PETTY.

A clause to be inserted in the Bill of Settlement, as Sir William desires. Lord Gormanston has an interest by way of mortgage only in some lands on which Sir William is settled, and Sir William asks that though the land is vested in his inheritance his lordship may receive satisfaction for his mortgage moneys upon other men's lands in the same manner as the petitioner should receive a reprize in case he were removed. The clause inserted to be a final settlement to him in his land there according to the common retrenchment in the case of adventurers and soldiers. The other part of his petition to be provided for so far as not inconsistent with the general settlement. The Solicitor-General to see this done, or report his reasons for not doing it. *P.* ½. *S.P. Dom. Entry Books XVIII. p.* 183.

(1) Probably "A Dissuasive from Popery" which appeared in 1664.
(2) These letters of Sir George Rawdon contain constant references to Lady Conway's illness.

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7 July. Hampton Court.

The KING to the LORD LIEUTENANT and LORD DEPUTY for the ARCHBISHOP OF DUBLIN.

The Archbishop of Dublin has been appointed by you, the Lord Deputy, Keeper of the Great Seal, pending the choice of a successor to Sir Maurice Eustace, lately Lord Chancellor and now deceased. Having from you, our Deputy, full information of the piety, integrity, ability, &c., of the Archbishop, we have resolved to appoint him Lord Chancellor and Keeper of the Great Seal there. You shall have patents drawn by the law officers of the Crown in Ireland and pass them under the Great Seal accordingly. The Lord Chancellor to have full power, annuities, fees, "benefits of the seal and of finable writs," &c., as his predecessors. He shall hold during pleasure. When the patent is passed you shall cause to be administered to him the oath of supremacy and the usual oath of a councillor; and shall then deliver the Great Seal to him. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 92*d*, 93 *and* 93*d*.
Also note of same. *S.P. Ireland* 318, *p.* 113.

Same.

NOTE of the KING to the LORD LIEUTENANT for RICHARD GETHING.

Directing the issue of patents containing the grant of a baronetcy to Gething. *Three lines.* *S.P. Ireland* 318, *p.* 113.

10 July. Hampton Court.

ENTRY of ORDER in COUNCIL on the PETITION of the COUNTESS OF MOUNTRATH.

Her petition is referred to the Solicitor-General to the end he may provide for her satisfaction unless he shall find reason to the contrary, and saving such parts as he objects to. He shall certify his objections to the King. *P.* ½. *S.P. Dom. Entry Books XVIII. p.* 184.

11 July.

ENTRY of the KING to the LORD LIEUTENANT for MARY WARREN.

Granting her a pension of £80 a year for life out of the Exchequer of Ireland. *Ten lines.* *S.P. Ireland* 318, *p.* 113.

12 July. Hampton Court.

The KING to the LORD LIEUTENANT for the EARL OF ARRAN.

"For the well ordering of the manufacture of all sorts of cloathes to be made within our kingdom, called the old and new drapery, and the establishing a certain office for the length, breadth and weight of all such cloathes" as shall be made there after 25 March next, we have lately passed an Act of Parliament in Ireland[1] and have erected an aulnager's office in Ireland and have authorised the chief officer therein who is the aulnager, to measure, weigh and try

(1) *See* 17 and 18 Car. II., Cap. xv.

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all sorts of commodities called the old and new drapery which are sold in Ireland after 25 March next, and to collect such subsidies as are due to us, under the act, for the same. Power is also reserved to us by the Act to appoint such a person aulnager under the Act as we think right. We are satisfied of the integrity, &c., of Richard, Earl of Arran, and know that he has an interest for some term of years yet unexpired in an employment of that nature in Ireland heretofore granted by our Royal grandfather to Lodowick, Duke of Richmond and Lennox, which is come to him by mean conveyance from Mary, now Duchess of Richmond and Lennox, executrix of the last will of James, late Duke of Lennox. We think it not just that he should be deprived of that right, but rather that he should surrender his old patent and receive a new grant for "such term of years" [as he had under the old one]. On receiving such surrender, you shall take the usual steps for appointing the Earl aulnager and collector of our subsidies of aulnage in Ireland for 61 years by patents from the date of this new grant. The grant shall give him power to execute the office as provided by the Act and to discharge the same by a deputy in the manner declared and appointed thereby; and shall grant to him the farm of the subsidies of aulnage settled on us. He shall pay £10 rent for the office [*details* as to date of payment, &c.] and shall have power to collect all such forfeitures as shall accrue to us by the said Act, and to sue for and recover the same in our names. He shall have half of all such forfeitures for his trouble herein, paying the other half to our Exchequer in Dublin to our use. Beneficial clauses to be inserted. *Pp.* 1½. *S.P. Dom. Signet Office VI.* 94 *and* 94*d.*

General date 12 July.

DOCUMENTS RELATING TO THE CASE OF PIERCE CREAGH.

Petition to the King of Pierce Creagh, showing that:—

Petitioner was transplanted by the late usurped Government simply because he was a Roman Catholic and lived in Irish quarters. He and those from whom he derived his title were tried in order to determine their innocency, and he was adjudged the eighth qualification. This being the best next to "constant good affection," petitioner got a consideration for only the two parts of his former interests and estates in the co. Clare.

He prays for the reasons aforesaid, and because he adhered to the peace of 1646 and 1648 (and was therefore excommunicated by the Nuntio and his goods seized) that the Lord Lieutenant may take his case into consideration, and, if he finds the facts alleged by him to be true, may cause a proviso to be made for him in the new intended Act of Parliament for Settlement of Ireland, either for re-establishing him in his said former interests, or otherwise for his settlement for the future in those lands assigned to him upon his said transplantation until he be restored to his ancestor's estate. *P.* 1. *Endd with*—

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20 July. Hampton Court.

ENTRY of DRAFT CLAUSE for the BILL of EXPLANATION.

The draft appears as Secs. cci. and ccii. of the Act of Explanation.[1] The printed text, however, contains some material and immaterial phrases which are not in this draft. The material phrases are:—

In Sec. cci.—*l.* 4, the word "Connaught."

ll. 4-5, the words "Irish papist, Popish recusant, Roman Catholic."

ll. 13-14, the words "and such other sums as are herein otherwise directed to be paid."

ll. 21-2, the words "being entered and signed as after is directed."

In clause ccii.—The first four lines down to "manner of acquittances."

These words and phrases will be found in the Statute Book, but are not in the entered draft. *P.* 1. *S.P. Dom. Entry Books XXII. p.* 192.

21 July. Tunny Park.

JOHN HARTNALL to VISCOUNT CONWAY and KILLULTA.

Large cattle are hard to get and I have as yet got only 60. I have made many journeys in search of them and have bought the largest I can get; but they are not so large this year as they were last, "but they are full as large in prise for the 60 bease coust £468. I fear these larg bease that I have bough will not be brought to the hight of fatnes that your lordship will expect for bease were very poure this spring" and we have had constant rain this summer so that they will not feed. We have had bad hay weather and I fear it is likely to continue, which will spoil the hay for feeding. "I think to feed twenty to as great a hight as I kan, and if your lordship think feet, to keep forty more as hig as our hay will hold out." These I shall keep for our stock for next year, for if we have them for two years they will be brought to the full height of fatness. This will pay for their keep if your lordship think fit and if we have not good markets. I think the twenty I intend to feed must be chosen from the smallest sort that were in the park last winter, for I think that will not feed more than twenty to their full fatness.

I have received the £169 desined by your lordship for "Sar Gorg Rouden" to pay to me and also £34 4*s.* from Mr. Thelwall[?] for which he accounted formerly. As soon as I have bought the remainder of the cattle I will send your lordship an account of my "resetes and desbourestmantes." I hope we shall have the ground ready for 300 fruit trees before Allsance [All Saints] which is as soon as they may be brought here. I have "spauck" with Mr. "Laeth" about having money from him and he says I shall have it as soon as I have "a casen" [occasion] for it.

P. 1. (*Hol.*). *Very badly spelt. Add. to* Viscount Conway, &c. "at Regley in Waracksheare, in Eangland." *Noted*:—[*In one hand*] Post paid to Dublin 4*d.*; [*in another*] Forward to London iid.; [*in a third*] from London 2*d.*; *in all* 8*d.* *S.P. Ireland* 319, 111.

(1) For these see *Statutes of the Realm* (*Ireland*) *III., pp.* 121-2.

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24 July. NOTE of the KING [to the LORD LIEUTENANT] for SIR JAMES SHAEN.

That he may have the estate and interest in forfeited lands in Ireland granted to the Earl of Ossory and others, to the intent that he may receive satisfaction in money for the same, except it be within the '49 security. *Four lines. S.P. Ireland* 318, *p.* 116.

Also similar note in which the words "except Irris" [?] are inserted after "forfeited lands in Ireland," *and also* at the end of the entry the words "and that the same shall go to the common stock for restitution and reprisals." *Six lines. Ibid. p.* 120.

Same. ENTRY of WARRANT to the SOLICITOR-GENERAL for RICHARD STRETFORD.

[Directing him to insert in the Explanatory Bill clauses providing that] the £27,000 to be raised for the satisfaction of lapsed money be raised to £30,000; and £3,000 thereof to be paid to Richard Stretford, of London, gent. The remaining £27,000 to be granted to persons and uses in accordance with the provisions of the several letters under the Royal Signet dated 10, 11 and 12 February, 1662 [-3]. These letters so altered to be truly engrossed and returned in the said bill to be passed as approved [?]. *P.* ½. *S.P. Dom. Entry Books XXII. p.* 240.

Same. Hampton Court. COPY of WARRANT in favour of the COUNTESS OF MOUNTRATH.

In an Act or Bill forthwith to be passed into an Act for the Settlement of Ireland there is a clause to this effect:—That William, Earl of Strafford, and Thomas Radcliffe, Esq., or either of them, or their heirs shall within six months time after the passing of this Act pay, &c. all such sums as shall within that time be made appear to be justly due from Teig O'Connor, Edmund McJordan and Dorothy his wife, Sir Philip Percivall, Kt., deceased, Thomas, late Earl of Strafford, Sir George Radcliffe or any of them, their heirs, &c., and not already paid by them towards purchasing or buying off the mortgages, &c., which were upon the estate of Donnogh O'Connor Sligo at the time of the contract made between Sir Philip Percivall, acting in trust for the late Earl of Strafford, Sir George Radcliffe and Teig O'Connor Sligo for Donnogh's estate; which sum or sums so shown due from Teig O'Connor, Edmund McJordan and his wife Dorothy, Sir Philip Percivall, Thomas, late Earl of Strafford, Sir George Radcliffe and their heirs, or from any of them [and] deposited in the Clerk of the Council's hands in order to buy off the said mortgages, &c.—shall be payable to us and be at our disposal. The clause referred to shows these things clearly.[1]

[1] Not in the Act of 1665, but *see* Section 209 of that Act, in *Statutes (Ireland) III.*, 125.

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We are moved to grant these sums to Jean, Countess of Mountrath, and grant to her and to Robert Reading, now her husband, all such sums as were due by the above persons or their heirs, and have not been paid, which were to have been paid for buying the mortgages as aforesaid. We also grant to them all such sums as, by virtue of the said clause in the Bill, are due from the said William, Earl of Strafford, and Thomas Radcliffe or either of them, and all sums due or payable to us by the same Act out of or in respect of the lands and hereditaments late of Donnogh O'Connor Sligo, and all such sums as by the said Sir Philip Percival, Thomas, late Earl of Strafford, and Sir George Radcliffe, or any of them were deposited in the Clerk of the Council's hands as aforesaid. Robert Reading and the Countess of Mountrath may sue and implead the aforesaid persons for these sums or any person into whose hands such sums have come in the Court of Exchequer in Ireland. Their release to those from whom they shall obtain such sums shall be a good discharge. *Confirming clauses. Pp.* 2⅓. *Underwritten in Latin* "Examined by Ra. Wallis, clerk in the office of the Master of the Rolls. *Endd. S.P. Ireland* 319, 112.

24 July. Hampton Court.

The KING to the LORD LIEUTENANT for SIR JAMES DILLON.

By the forfeiture of Sir James Dillon we are entitled to the mean rates and profits of the jointure or thirds of Mary, the relict of John Ridge, from the time of her marriage with Sir James, and to all leases, bonds, goods, &c., which the said Mary had during the time of her marriage with Sir James. The benefit of these was concealed from us till her death, which occurred not long ago. We desire you to order the Attorney or Solicitor-General of Ireland to enter an information against all who have subtracted the said mean rates and profits, and have possessed themselves of the said leases, bonds, goods, and chattels, and to prosecute that information with effect. In gratitude for Sir James' loyalty "who deserted all other employments he had abroad and came to serve under our ensigns or where else we directed," we direct you to satisfy to him what shall be recovered in this way; provided that this grant shall not prejudice any adventurer or soldier who may be in possession of any part of the said jointure, &c., for any arrears, or adventures or upon account of the transplantation, and who is secured by the Act of Settlement. *P.* ½. *S.P. Dom. Signet Office VI. p.* 94*d.*

Also note of same. Only abstracts that portion of the letter which directs the Attorney or Solicitor-General to enter an information in the King's behalf against all those who have taken and substracted the mesne rates and profits of the jointure or thirds of Mary Ridge. *Six lines. S.P. Ireland* 318, *p.* 115.

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25 July. Hampton Court. The KING to the LORD LIEUTENANT for SIR GEORGE LANE.

Sir George Lane asks for a grant confirming to him and his heirs all lands in Ireland which he holds by grant from us or which are held in trust for him or of which he receives the rents [*details*]. In consideration of his good services we grant this request, and direct you to take steps for passing patents for releasing to him and his heirs, &c., without fine, all the castles, manors, disused monasteries, &c., rectories, tithes, &c., villages, hamlets, lands, &c., rents, mills, watercourses, royalties, courts, &c., whereof he or any to his use is seized or reported to be seized of any estate of inheritance in use, possession, remainder or reversion, and all lands, &c., which are held to his use and all lands whereof he, &c., is entitled to receive the rents. These shall be released to him by all or any the name or names which appear in the grant by which they are granted, or in inquisitions found or to be found of them. He shall hold them as of our Castle of Dublin in free and common socage, by fealty only, at such rents only as were formerly paid thereout. These lands shall be made into one or more manors by such denominations as Sir George Lane, &c., shall desire with one or more courts leet and one or more courts baron, courts of Record with jurisdiction up to £50 in personal actions, right to hold fairs and markets, &c., felons' goods, the right to impark, &c. [*other usual manorial rights granted in detail*]. Whenever Sir George Lane desires it, you shall give directions for one or more commissions to be directed out of the Court of Chancery for inquiry as to his possessions, their contents, quantities, bounds, and names, so that they may be passed to him with more security. You shall accept any surrender of his old grants offered by him, or any seized to his use or in trust for him, under the advice of his counsel, and shall from time to time give such directions as may be required for the better execution of our gracious intentions towards Sir George Lane. The grant made to him shall contain a release of all former rents and reservations upon the premises granted other than those reserved by the patent itself. The new letters patents shall contain no insertion of the surrender of the old ones, lest any defect in the old should cause the new to be defective also. These letters shall be of good effect, notwithstanding any "misrecital, non-recital, misnaming, mistaking," or omission of proper words necessary to be here inserted which, nevertheless, we declare to be inserted. *Pp.* 2¾. *An elaborate and very favourable letter. S.P. Dom. Signet Office VI. pp.* 95*d*, 96 *and* 96*d*.

Also note of same. *Five lines. S.P. Ireland* 318, *p.* 115.

25 July ENTRY of the KING to the LORD LIEUTENANT for WILLIAM HOWARD.

Directing him to issue patents to Howard who is going to Ireland to practise the law, entitling him to practise there with the same privileges "as if he were established one of our counsel." *P.* ½. *S.P. Ireland* 318, *p.* 114.

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25 July. NOTE of the KING to the LORD LIEUTENANT for JOHN and ALEXANDER BENCE.

For granting them the post of collectors and receivers of the money, &c., accounted by adventurers for escheated lands. *S.P. Ireland* 318, *p.* 116.

25 July. Hampton Court. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for MICHAEL COLE, of Inniskillin.

Sending the petition, in which Cole asks to be appointed "constable of the Castle of Inniskillin, and captain of all the boats and cotts that go upon Lough Erne." If it be found that his ancestors have held the posts, and that they may be granted without prejudice to the Crown, the Lord Lieutenant may grant them to him for such period and on such terms, as to entertainment and warders, as he thinks fit. *P.* ½. *S.P. Dom. Entry Books XIV.* *p.* 68.

26 July. NOTE of SAME to SAME for the EARL OF CARLINGFORD.

That he may receive £30 *per annum* in creation money. *Three lines. S.P. Ireland* 318. *p.* 116.

Same. NOTE of SAME for LORD KINGSTON.

For restoring him to the lands of Castle Dillon. *Ibid.*

SAME for the CANARY MERCHANTS.

Directing the issue of a proclamation regarding them. *Three lines. Ibid. p.* 117.

26 July. Hampton Court. The KING to the LORD LIEUTENANT for JAMES, EARL OF SUFFOLK.

We are informed that several persons in Ireland, "being aliens born and Protestants," have before October 3, 1641, or since purchased leases for lives not yet expired and also purchased other estates by mortgage in fee and otherwise. These have come to us, the purchasers being dead and there being no lawful heirs to claim them; but none of the said persons were sequestered before their death, nor are the same vested in us by reason of the late rebellion, but otherwise come to us by escheat and the laws of Ireland. You shall issue commissions for investigating our title to the premises

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and, upon return of them, shall take steps to grant all our interest in them to the Earl of Suffolk, one of the gentlemen of the Bedchamber, and his heirs, &c. Beneficial clauses to be inserted in the grant. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 98*d*.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 116.

26 July. Hampton Court. DRAFT of the KING to the COMMISSIONERS of SETTLEMENT[1] for LORD KINGSTON.

By letters patents under the Great Seal of England, dated 25 January, 1665, we granted several lands in Ireland to John, Lord Kingston, and his heirs, &c.; and we made further provision in the present bill for so much more lands to be forthwith set out to him as will make up the lands set out to him to the clear yearly value of £700 and two full third parts of the lands from which he has been removed by the decrees of our Commissioners, or which he has parted with in observation of our letters. This provision, if executed in the ordinary way, may not operate for his settlement as we had intended for his benefit; and delay would be greatly to his prejudice; and we desire, in consideration of his losses through observance of our pleasure, &c., to avoid this. We therefore specially recommend to your care the execution of the provisions in Lord Kingston's favour which are in the bill; and authorise you, before you make any other allotment of lands in the counties in which he is to have them, to have a valuation made of the lands from which he has been removed or from which he has retired, and also of so much of those intended to be granted him or directed for his satisfaction as shall be necessary for making up the said £700 a year and two-thirds; and shall forthwith give him possession of those lands. He shall then have patents for the lands; and shall pay rent on the adventurers' and soldiers' basis. *Pp.* 1½. *Signed* (*not autograph*) *by* Lord Arlington. *Endd. S.P. Ireland* 319, 113.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 116.

26 July. Lis[burn]. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

I have had no letter from your lordship since June 27th, nor have we heard anything since from Ragley; so we hope for news to-morrow. I doubt the £300 your lordship is expecting will not come in time, this bill being "after 40 days' sight; and, this dangerous time, how your lordship will come by it I know not, but it is not to be paid here till you certify the receipt of it. At Dublin no exchange is to be had upon any terms till it shall please God to abate the sickness; and after much inquiry I light upon this occasion by a merchant newly come to Belfast, who writes

[1] *i.e.* those appointed under the Act of Explanation, which received the Royal assent on 23 December, 1665. The full title here given them is "the Commissioners appointed or to be appointed for the execution of an Act entitled," &c. [setting out title of the Act of 1665].

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his letters of advice in his own cover this post. We are to pay three per cent. exchange. I bless God all are well in this country." The Bishop of Down is here holding his court, and on Friday night the two judges will be with me all night on the way to Carrickfergus. On Saturday night Will Hill and his bride and mother and the Lord Chancellor (his father-in-law) and lady and much company are expected at Hillsborough. *Details.* I have with much ado set the tithes here better than I expected. We are in hope of assignments to be sent next week for four months to the troops, "but must send into Connaught again for the money." I have put the getting of the possession of Sligo into Lord Collooney's care and hope the '49 interest will be better than Major Bolton apprehends, and that what we are looking after the Earl of Strafford has no pretence to. Besides, there is an order not to intrench upon that security [*i.e.* the security for the "'49 men."] All are well here and all the works go on. God preserve this poor kingdom from the infection, and abate it in England.

P.S.—I shall not fail to show to the Lord Chancellor all the respect due to one who is so good a friend to you as he professes himself to be. *P.* 1. (*Hol.*). *Conway Papers. Add. to* Ragley, &c. *as letter above, p.* 538. *Post paid. S.P. Ireland* 319, 114.

[27 July.] PETITION of JOHN ARTHUR, Gent., to the KING, showing that:—

The Duke of Ormond's certificate shows that petitioner is restorable to his own and his father's estate.

On this certificate the Earl of Anglesey and others reported that a clause should be put into the bill now under consideration, whereupon it was determined by a committee at Syon House that a proviso should be entered for his restitution.

An order made on behalf of Sir James Weymes, who has the houses and other interest which the petitioner's father had in Dublin, makes it evident also that provision was intended by the King to be made for petitioner's restitution other than that of only reprising him elsewhere for the said houses and other interest in that city. Yet, after all, he does not find that he is provided for by the "said act," but his concern forgotten, by which your petitioner is like to lose £3,000 debt and a considerable part of his estate.

He prays that his restitution may be secured, by special proviso, to all his former estate which is not in the City of Dublin being in the King's disposal, and to reprisals for what is within the said city, according to the intention of the said order conceived in Sir James' favour, as may appear by the annexed. *P.* 1. *Endd. with*—

Order, dated Hampton Court, 27 July, referring petition to the Lord Lieutenant and

REPORT of the LORD LIEUTENANT on the foregoing PETITION.

The Solicitor-General should be instructed to insert a clause in the Bill of Settlement granting the petition. The reprisals should come out of the common stock. *P.* ½. *Signed. In all, pp.* 1½. *Endd. Ibid.* 115.

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27 July. Sheen. The Earl of Orrery to Secretary Arlington.

It was a quarter past nine last evening ere I kissed the King's hand. He did me the unspeakable honour to converse with me alone near an hour, and gave me such assurances of his Royal favour as never man was so satisfied as I. "God is my witness that never any subject loved his King more than I do mine. My heart is so full of this that neither my tongue can speak nor my pen write the millionth part of what I conceive. To qualify the joy of this happy hour I must tell you that I was so dead foundered that I could scarce get to my coach, much less wait on you again, which I desired but was unable to perform; and therefor for my heart's sincerity be pleased to pardon the infirmity of my feet, which never were more cruel to me than in denying me to await on my Lord Arlington, to whom I am without reserve an unalterable friend." I spoke to the Lord Lieutenant [?] about the fees, and hear you have done so too. "But if your answer [?] were 'Dry' mine was, 'Burned up.'"

Be friendly to Sir James Shaen and I daresay he will be useful to you.

"God send you your heart's wish. I am to the last gasp, my dear Lord, your own

Orrery."

Pp. 2. (*Hol.*). *Add. Endd. S.P. Ireland* 819, 116.

29 July. Dublin. Michael [Boyle], Archbishop of Dublin, to [Viscount Conway and Killulta?].

On hearing from you I at once sent for Lieutenant Gratrix[1] and exhorted him to do what he could towards the recovery of your excellent lady. This I did in pure obedience to your commands, "but not out of any expectation that he could in any way be conducible to your lady's health. He refused to go and said, "somewhat rudely, that he would not go thither for any Lord whomsoever." I told Mr. Tandee accordingly and endeavoured to get some of his friends "who indeed are his greatest and almost his sole idolaters; but I do not find that his [*sic*] success hath been greater than mine." He will not go, and I do not think his attendance would do your lady any good. "I shall not deny, but by the common report especially of ordinary people and of those who were on the same side with him during the last wars, he is cried up to have done divers cures; but this I know, that several of known integrity who have been persuaded to make trial of him have returned from him in the same condition they went unto him and without the least improvement or alteration, only that by his excessive labour and frications he hath at present abated something of the pain when the ache hath been fixed in some outward parts, but immediately after it returned again. And indeed, my Lord, after one whole hour's discourse which I had with

(1) *See* Dict. Nat. Biog. *sub voce* Greatrakes, Valentine.

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him, allowing him the supposition that many of his pretended cures were really performed, he gave me no other satisfaction that his power of healing was conveyed from God but that his work was good, and that the divell could not be the author thereof, and that it was a secret impulse which moved him thereunto, which he could not disobey, which are pretensions which have been always taken up by the great imposters in the world, and have been as often refuted. In brief my Lord—for I shall not trouble your lordship with all the impertinencies that passed between us—I look upon the man as under a strong delusion and infinitely misguided by his own imaginations (for he now dreams of nothing but converting the Jew and Turk) and do verily believe that a short time will manifest even to his credulous followers the extreme vanity of his undertakings. There are many others who have much severer thoughts of him in regard of his great talking, his little doing, and the Society he most frequents."

"But as I will not charge himself with any such seditious purposes so I will not undertake to acquit those who follow him, for though he himself may be led only by the conduct of a wild fantasy, yet his proselytes may propound unto themselves some other use of his esteem amongst the vulgar." *Pp.* 3. (*Hol.*). *Conway Papers. S.P.. Ireland* 319, 117.

30 July. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for CAROLL BOLTON.

We have reserved to ourself a third of the lapsed money and are grateful to Bolton for the care which he took in discovering and abstracting the forfeited adventures, and in finding out lands set out and to be set out in satisfaction thereof. By our letters under the Privy Signet of 9 February, 166$\frac{4}{5}$, we directed that as a reward for his service a fee farm of the sixth-part of the lands set out and to be set out for the said third-part reserved to ourself of the said forfeited adventures or lapsed money (the whole being divided into six equal parts having regard to the Act rates in the different provinces) should be granted under our Great Seal of Ireland to the said Bolton, and his heirs, at a rent of £8 a year for every £100 of the forfeited adventures or lapsed money which should be satisfied on the said sixth-parts according to the rates of the respective provinces prescribed by the Act of 18 Car. I., and free of all other rent. Since our said letters we have, at the request of those who have solicited us on behalf of the ancient Roman Catholic proprietors, parted with and waived the forfeited adventures and lapsed money. Caroll Bolton is in consequence disappointed of the benefit we intended for him by the grant of the said fee farm. You shall give him £500 out of the sums payable to us by the said ancient proprietors in lieu of what he was to have received. This sum shall be paid to him out of the first sums which come into our Exchequer on that occasion or to that purpose. *P.* 1. *S.P. Ireland* 318, *pp.* 117-118.

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1 Aug. Chester. The Earl of Orrery to Secretary Arlington.

I merely send you my greetings and an assurance that I am not ungrateful for your favours. I only await an east wind to go to Ireland. Pray send me the cypher you promised me and the letter of kindness to the Archbishop of Dublin. *Other details.* Dick Talbot is now with me. *P.* 1. (*Hol.*). *Add. Overwritten*: I beg your favour in sending this letter to my Lord Sandwich. *Endd. S.P. Ireland* 319, 118.

5 Aug. Lisburn. Adam Leathes to Viscount Conway and Killulta.

By my last letter of the 28th of June last I acquainted your lordship that though I had discharged myself in my accounts of Isabel Johnson's money and Dr. Colvill's single £100, yet that they had not received it, but that it was lying ready sealed up against the time they called for it. I have since paid them off and have your bonds cancelled and in my possession. On my abstract of the May rents received, which I sent with my last letter, I had £148 1*s.* 6*d.* remaining in my hands and unto that I have since gotten in of the May rents and the arrears upon my last account about £490, in all £638 odd money. I have paid out of this

	£	*s.*	*d.*
To the brickmaker, masons, limeburners, stone drawers and labourers about the works here at home	43		odd.
To John Totnell [*sic*] on the decoy account	83	4	3
To complete Mr. O'Bryan's bill of £400	240	0	0
To Sir George Rawdon to complete his disbursements about Langford's suit since your lordship went over	33	12	6
For the chief rent due at Easter	8	15	11
To the Bishop for half a year's rent due in May last	24	0	0
To William Johnson for interest on his £200 due in May last	8	0	0
To Dr. Colvill for his interest on £100 for a year	8	0	0
,, ,, ,, ,, £600 for half a year to May last	48	0	0
To Captain Spencer for interest	8	0	0
To Martin Johnson in full of a quarter's wage	2	0	0
To Jarvis Hyerne, which your lordship received of his money in England	3	10	0
To Simon Allen, keeper, on account of his charges upon his journey	5	0	0
To Gabriel Oliver for the half-year ended May last	5	0	0
To John Totnall [*sic*] on account of hay-making at Lisburn	2	5	4

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These disbursements amount in all to about £495. I have remaining in my hands £140 odd, which I reserve in order to the satisfaction of the £300 returned over by Mr. Burrill's bill. This completes the £700 your lordship commanded to be returned to you this half-year.

The keeper has already had from me £5 on account of his charges upon his journey out of England. Sir George Rawdon thinks this the right sum for such expenses, and so does he, but that as he says he did not get a quick passage over and was forced to wait at great expense at the water side for a favourable wind. He says that the journey cost him more than £9. Sir George leaves it to you to name the sum to be paid to him. The brick wall in the lower gardens is now finished; and the masons are now at work upon the utmost wall of the gardens which bounds it in along the high-way from the great bridge. "The gardener is still busy gravelling which, through the multiplicity and great breadth of his walks will, I doubt, prove a tedious work." John Totnall says that the great expense of the decoy is nearly over at present; of which I am glad, for it has cost much. John has already had £50 from me out of the duty money upon account of buying oxen, which is all he tells me he has necessity for at present. If his occasion require more upon that account I shall supply him as far as the duty money will hold out.

P.S.—In the note of your lordship's goods here I was charged with "a feather bed and bolster the cook's wife had; which she carried over with her." Your lordship may be pleased to give order it may be charged on her husband. *Pp.* 1¼. (*Hol.*). *Conway Papers. Add. to* "Viscount Conway at Ragley, near Auster in Warwickshire," *&c. as letter above, p.* 538. *Post paid. S.P. Ireland* 319, 119.

6 Aug. Moore Park. The Lord Lieutenant to Secretary Arlington.

Yesterday I received from Mr. "Solisitor" the Irish bill and shall bring it with me by noon on Wednesday to Salisbury; and the King may, if he please, begin the reading of it, that afternoon. "It will be less grievous to him if he lay in a provision of venison or roast beef at dinner" and your lordship and your elder brother may have fit opportunity to get your papers signed. I would fain have it finished by Saturday so that, at the beginning of next week, I may set forward towards Ireland "the winter season drawing apace towards that climate and there being in my company those that apprehend danger besides and as much as Father Patrick."

My poor brother Clancartie died and in all respects as he ought on Friday night last, "a just fortnight" from the time he took his bed. I was as glad to see an end of the misery he lay in as I am with

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great reason grieved at the loss of so worthy a gentlemen and good a friend. I am sure you will help me in the affairs of his family. *P.* 1. (*Hol.*). *Add. in* Lane's *hand to* Lord Arlington at Court. *Endd. S.P. Ireland* 319, 120.

10 Aug. At Court at Salisbury. SIGN MANUAL WARRANT to the EARL OF ORRERY in his own behalf.

Remitting the payment of a year and a year and a half's rent payable to the Crown under the Act of Settlement of 1662, in respect of all lands confirmed to the Earl on the basis of an adventurer or soldier. The Earl may keep and detain all such sums without account, and shall give acquittances as if the sums payable as from adventurers or soldiers had been paid into his hands. If any part of these funds should be paid in [to the Exchequer] in *specie* it shall be at once paid out again to the Earl. As there are divers other payments to be made toward the satisfaction of the arrears of the 1649 officers out of lands claimed by the Earl, as to the payment of which the King has extended to him so much favour as may be consistent with the Act, he is authorised from time to time, as such sums are paid in, to receive and discount the same as in satisfaction for such arrears for service in Ireland before 1649, satisfiable thereupon, as the said Earl has purchased or acquired or shall hereafter purchase or acquire, at the rates observed in similar cases. *Beneficial clauses. Pp.* 1½, *with Sign Manual and countersignature of* Secretary Arlington. *Add.* [*by mistake?*] to the Lord Lieutenant. *Endd. Ibid.* 121.

Same. The KING to the LORD LIEUTENANT and LORD DEPUTY for CAPTAIN WILLIAM ROSSE.

Directing that he be given a pension of £300 a year for life out of the Treasure of Ireland. He shall have a grant of this pension under the Great Seal, and it shall be made part of the establishment. *P.* ½. *S.P. Dom. Signet Office VI. pp.* 97*d*-98.
Also note of same. *Three lines. S.P. Ireland* 318, *p.* 118.[1]

Same. SAME for WILLIAM GODOLPHIN, of the Inner Temple, London, Esq.

To Samuel Avery, of London, deceased, certain lands were allotted for his adventure in Irish land, or for the adventures of others of whom he was the assignee. This allotment was in the barony of Conello, co. Limerick, and when that barony was

(1) *See at* 2 January, 1665, *above p.* 521.

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divided up by the surveyors thereof, Robert Newcomen and William Parkinson, the following lands were set out to Avery :—

In the parish of Nantenan [Nantinan] in the said barony.

Place.	a.	r.	p.	Profitable or Unprofitable.
In the north part of Argoule More and Shannelagh [Ardgoul and Shanaclogh (?)]	230	3	35	p.
Upper Derry and Ballybane	114	0	0	p.
Lower Derry	63	1	0	p.
,, ,,	16	3	32	u.
Carrahine [Carheeny]	291	1	0	p.
,, ,,	44	1	7	u.
In the parish of Lismakeny [Lismakeery].				
South Miltown	64	2	6	p.
North Miltown	115	3	10	p.
Conygerr [Conigar]	150	1	0	p.
East Creave and Lissynelly [Lissanelly?]	135	0	0	p.
,, ,, ,,	10	0	0	u.
In the parish of Daremoylin [Dunmoylan].				
West Creave	155	0	0	p.
,, ,,	8	1	28	u.
In the parish of Kilmain.				
South Craige	200	0	0	p.
,, ,,	63	1	0	u.
Clonbariff [Cloncrew]	145	0	0	p.
,, ,,	5	0	0	u.
Russenhouse [Russinisca] and Kiln O'Donnell [Killeen] Clouse McCuile *alias* Clashnaclonagh [Clashnacrona ?] or Clasnaconlagh.	691	0	0	p.
	448	0	0	u.
In the parish of Corkanihaid [Corcomohide].				
Ballaghanelly [Ballyneale ?]	230	0	0	p.
Ballyanliff and Moymore	318	0	0	p.
,, ,,	40	0	0	u.
In the parish of				
In the east part of Kilcolman and Cappagh Cullane	151	2	15	p.

These lands are all shown in a report of the Sub-Commissioners for settling the adventurers and soldiers in Ireland, bearing date 20 July, 1660. Notwithstanding the said sub-division and report, Samuel Avery entered upon and enjoyed other land properly the lot of Sir Charles Lloyd, Bt., the possession whereof, by our letters of 29 August, 1664, we directed to be returned to Sir Charles. Samuel Avery at the time of his decease was indebted to the Crown in £10,000 or thereabouts, and left no other asset—so far as is known—but the said adventure to satisfy the same. William Godolphin, by whose zeal and care the discovery was made that these lands were liable to this debt, asks for a grant of them ; they

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being now in our seisin and possession and held from us, wholly or in part, by *custodiam*. You shall cause letters patents to pass the Great Seal granting him these lands at a rent of 2¼*d.* a profitable English acre, as other adventurers pay in that province. Insert beneficial clauses in the grant. As the terr-tenants have occupied and enjoyed the profits of these lands for several years without sending any account thereof to us or to any who could claim such an account, you shall insert in the patents a clause enabling Godolphin to call them to account for the mean profits received by them since the Restoration, and to compound with or indemnify any from whom such sums may be owing. As the Bill of Settlement lately sent to Ireland contains a clause for vesting this adventure in us, &c., you shall so soon as that bill passes into an Act, pass letters patents under the Great Seal of Ireland containing a grant to Godolphin of the aforesaid lot, and land set out in satisfaction for the same, by the quantities and denominations aforesaid or by such others as they may have been allotted or set out by—with beneficial clauses. You shall cause commissions to issue from time to time as occasion shall require under our Great Seal for finding our title to the said lands and premises. *Pp.* 2. *S.P. Dom. Signet Office VI. pp.* 99 *and* 99*d.*[1]

14 Aug. Salisbury. NOTE of KING'S LETTER to the LORD LIEUTENANT and LORD DEPUTY.

To examine what debts (as are alleged) are due from the Countess of Mountrath to the King. Recommends her particularly to the Lord Lieutenant's justice. *Four lines. S.P. Ireland* 318, *p.* 120.

14 Aug. ENTRY of PASS for the LORD LIEUTENANT.

Allowing him to pass to Ireland with his servants, goods, 100 horse, mares, or geldings, from any part of England, free of customs search and hindrance of any kind. P. ½. *S.P. Dom. Entry Books XXII. p.* 251.

15 Aug. Charleville. The EARL OF ORRERY to

On the 7th "beating it up against the wind" I landed at Dublin, and came here on the 11th. At Dublin I hoped to have met with your letter to the Lord Chancellor of Ireland, who is your servant and promised to assure you of himself by the next post. "I beseech you write to him for if you dare take my word he is a truly worthy gentleman."

At my landing and on my way here I talked with several members of Parliament and other gentlemen about our new bill, of which they had had good impressions given them, particularly the power given to the Lord Lieutenant and Council to give or take

[1] I owe some of the suggestions on the foregoing page to Mr. W. H. Grattan Flood.

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away what lands they pleased. I gave them a true account of it, and engaged not a few to be for passing of it. The number of these I endeavour every day to increase, and I hope that, if our Commissioners be good, not many will oppose it. They were very much startled at Sir Allen Brodrick's and Sir Winston Churchill's being to be commissioners but, for the last of them, I have, I hope, given satisfaction. I beg you to present "my unalterable duty to the King my master; to assure him I am, and to the last moment of my life will be his owne only; that as never any subject was more obliged by his Prince, so never any subject did more passionately long to serve his Prince." *Further loyal professions.* "I am now renewing and settling my intelligences [? intelligencers] amongst the Phannaticks and the Irish" and hope for good results. Pray ask Mr. Godolphin again to let me have the foreign news, for I have reason to believe that there are endeavours from France "to prepare many of the Irish who are apt for mischief to be ready to run into it. Never poor army has been so miserably paid as this has been, some protesting to me they have lived upon water and what they have shot with their guns" for some days. Yet there is no mutinous word amongst them. I have told all the troops and companies whom I have seen that the King is tender of them and has now passed at Hampton Court a bill of eight subsidies for them. "I have some reason to doubt that some captains of horse and foot begin to fill their troops and companies of their tenants and other hired men, than which there cannot be a worse cheat put upon the King. I will assure you in that part of the army immediately under my command in this province, which is near a third part of the whole army, I am very vigilant to prevent this mischief" and shall severely punish those who do it.

"I had even now certain notice brought me by an intelligencer of mine that one Colonel Hugh MacPhelim, of Ulster, is come into the county of Tipperary, where, in a wild and woody part of it, called Slewfellim, several Ulster Irish have lately settled themselves, and removed themselves out of the north of Ireland; that Hugh McFelim is a dangerous fellow and, I doubt, is not come for good to visit those his countrymen. I have sent two spies after him to watch his proceedings, and to give notice of his actings."

Dick Talbot is like to do his business well and I have engaged a powerful friend to be his friend.

"You would lay a great obligation on me if you will present my humble service to that fair lady whose health you said you would only drink at dinner, and engage for me that I am her most humble servant, which shall be always perfectly made good by, my dear Lord,

Your own for ever and without reserve."

Pp. 4. *In the* Earl of Orrery's *hand. Unsigned. Endd. S.P. Ireland* 319, 122.

15 Aug. Salisbury. SIGN MANUAL WARRANT to the SOLICITOR-GENERAL for a Grant to the EARL OF ST. ALBANS.

Whereas Randall, Marquis of Antrim, is liable under the Act of Explanation to pay certain improved quit rents to us for his whole

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estate in Ireland over and above what was paid for the same in October, 1641; you shall prepare a bill for our signature to pass the Great Seal of England containing a grant to Henry, Earl of St. Albans of all and singular the quit rents issuing out of the lands restored to the Marquis by the Act, and payable to us and our heirs. Insert therein the usual *non obstantes*, &c. *P.* 1, *with Sign Manual and countersignature of* Secretary Arlington. *P.* ½. *Endd. S.P. Ireland* 319, 123.

Also entry of same. *P.* 1. *S.P. Dom. Entry Books XXII. pp.* 254-5.

15 Aug. Salisbury. COPY of the KING to the LORD LIEUTENANT or LORD DEPUTY, &c., for PHILIP, EARL OF CHESTERFIELD.

Directing them to take order that £6,000 be paid to the Earl out of the certain and casual revenue of Ireland. Orders to be given to the Earl of Anglesey, Vice-Treasurer and General Receiver of Ireland, to pay this sum to him within two years. *Pp.* 1½, *with Sign Manual and countersignature as foregoing* (*copies*). *Certified a correct copy by* Sir George Lane. *Endd. S.P. Ireland* 319, 124.

Also note of same. *Two lines. S.P. Ireland* 318, *p.* 119.

Same. NOTES of KING'S LETTERS to the LORD LIEUTENANT and LORD DEPUTY.

For swearing Wentworth, Earl of Roscommon, to be a Privy Councillor in Ireland. *Three lines. Add.* to the Lord Lieutenant. *S.P. Ireland* 318, *p.* 120.

For paying £1,500 to James Hamilton out of the lapsed money. *Add.* to the Lord Lieutenant and Lord Deputy. *Ibid.*

For Mathew Harrison to have the reversion of William Harpoole's estate if he die without heirs male. *Two lines. Ibid. p.* 119.

For revising the establishment and transmitting it to Ireland. *Two lines. Add. to* the Lord Lieutenant and Vice-Treasurer. *Ibid. p.* 121.

For the Earl of Orrery to have one-half year's rent payable out of the lands claimed by him. *Two lines. Address not entered. Ibid. p.* 122.

For recommending Lord Collooney's debt to the Lord Lieutenant in the Exchequer. *Same. Address not entered. Ibid.*

"Letters to Ireland" for granting the Lord Deputy such an allowance towards the support of that command as has been heretofore allowed. *Three lines. Ibid. p.* 121.

Same. ENTRY of the KING to the LORD LIEUTENANT and LORD DEPUTY for THEOBALD, EARL OF CARLINGFORD.

The Earl petitions showing that he has learnt the true way of keeping ice, and asks for the right to the sole use and exercise of that invention, and to make ice houses in Ireland for fourteen

years, and to have the sole use and benefit of the same. You shall pass a grant under the Great Seal giving him the sole right to erect "snowhouses or icehouses" in Ireland for fourteen years and to have the sole profit and benefit thereof. *P.* ½. *S.P. Ireland* 318, *p.* 119.

Also draft of same. *Pp.* 1½, *dated* — August. *Endd. S.P. Ireland*, 319, 125.

15 Aug. At Court at Salisbury. The KING to the LORD LIEUTENANT for the EARLS OF ANGLESEY and ORRERY.

Being anxious to confer on the Earls some lasting mark of the favour with which we regard their "faithful and indefatigable services," we direct you to discover, with the help of the proper officers of the Revenue and of the custody of the Record [*sic*] and Rolls, and by inquisitions to be duly taken from time to time, all the forfeited and escheated messuages, lands, &c., which belong to us in Ireland and which have not been disposed of by the Act of Settlement of 1662, or the Explanatory Bill passed here and sent over [the Act of 1665]; and also all the lands, messuages, &c., which shall belong to us by right of our Crown, whereof any estate, lease, grant or grants for years, life or lives has been made to any person or persons by any of our Royal predecessors or ourself, the reversion whereof [is] in the Crown; and likewise all the remainders of any our subjects' estate vested in us and expectant upon the determination of any estate tail or otherwise; and likewise all messuages, &c., and goods and chattels of persons attainted and felons forfeited to us since our happy restitution and all other goods, chattels, bonds, and recognizances to us forfeited, and debts to us due. Out of all or any the said messuages, lands, &c., remainders, escheats, &c., goods, &c. you shall at the election of the said Earls or the survivor of them, grant so much as shall, at the old fee farm rents payable to our predecessors, yield, make up the full fee farm rent of £500 a year. We reserve that rent to the Crown. Insert the most beneficial clauses in this grant as in the grant by Charles I. to Robert, Lord Dillon, or any other, and pass their grant before you pass any other of any of the premises. Also grant the said Earls £5,000 out of the aforesaid goods and chattels, &c. If these our letters should be discovered by counsel to be insufficient to grant what they intend to grant, counsel shall draft sufficient letters and transmit them for our signature. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 97 *and* 97*d.*

Also note of same. *S.P. Ireland* 318, *p.* 117.

Same. The KING to the LORD LIEUTENANT and LORD DEPUTY for SIR GEORGE LANE.

Recites at length, his loyalty and many services at home and abroad, his faithfulness and ability in places of great trust, and his intimacy with Irish affairs. Patents shall be passed appointing

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him one of the Principal Secretaries of State in Ireland for life, with all the usual privileges, to hold after the death or surrender of the present holder, Sir Paul Davis. The oath of Secretary of State shall be administered to him and he shall have precedence as Sir Paul Davys now has. He shall also be appointed Keeper of the Privy Seal in Ireland and shall have a stipend of £E200 a year and a "fee or allowance" of £E100 a year, and shall hold that office after Sir Paul Davys' death. He shall forthwith be admitted to the Privy Council of Ireland and the oath of a Privy Councillor shall be administered to him. As he is not to have any of the above named sums during Sir Paul Davys' life you shall also appoint him Secretary at War and to all our forces, horse and foot, to be raised in Ireland, to hold for life at the salary—for himself and his clerk—prescribed in our letters of 16 November, 1664.[1] *P.* ½. *S.P. Dom. Signet Office VI. p.* 103*d.*

16 Aug. Salisbury. ENTRY of the KING to the LORD LIEUTENANT for the EARL OF OSSORY.

"Observing with what particular care, zeal and industry our said trusty and right well-beloved cousin and counsellor, Thomas, Earl of Ossory, doth on all occasions apply himself to our service in that our kingdom, of which he hath more especially given testimony in his prudent and discreet conduct of our affairs there during the time he hath been entrusted with the management thereof as our Deputy in your absence," we have decided to make him Lieutenant-General of our forces there. As soon as you arrive in Ireland you shall have a commission passed under the Great Seal of Ireland giving him that post with all the usual priveleges. *P.* ¾. *S.P. Ireland* 318, *p.* 122.

[About same.] NOTE of SAME to the EARL OF ANGLESEY.

Recommending Sir Henry O'Neale for the payment of an allowance of £800 to November, 1665. *Two lines. Dated* — August, *but entered next the foregoing. Ibid. p.* 123.

16 Aug. Salisbury. COPIES of the KING to the LORD LIEUTENANT for COLONEL EDWARD VERNON.

15,555 acres in Tipperary and Limerick have been set out to Thomas Cunningham and Captain Lewis Dick, which they obtained by pretending that they had paid in certain sums as adventurers for lands in Ireland, and there is a clause in the Bill of Explanation for vesting these lands in us. By the rules of the Act of Settlement, Cunningham and Dick would, if they had been real adventurers, have had to forgo a third-part of their lands. As we

(1) *Above pp.* 449-450.

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are anxious to reward those who discovered the fraud, for the encouragement of others to do likewise, we direct you, so soon as the Bill of Settlement receives our assent, to grant the 15,555 acres to Colonel Edward Vernon and his heirs to such uses as you think fit. *Two copies, p.* 1 *and pp.* 1¼. *Endd. S.P. Ireland* 319, 126 *and* 127.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 120.

[17 Aug.] Petition to "His Excellency," the Lord Deputy of Ireland, of the Merchants of Dublin on behalf of Themselves and other Merchants of Ireland, showing that:—

"The merchants and traders of this kingdom as well by His Majesty's favour and grace as by the known laws and statutes of this kingdom have always used free trading in this kingdom by transporting the native commodities thereof into foreign countries to the great improvement of His Majesty's revenue and the enriching of the country." After the Restoration, the petitioners were induced to resume trade with several foreign countries. "The most useful part of their trading is the Canary Islands, where tallow, butter, beef, mutton, tanned leather, pipestaves, pilchards, herring, salmon, frizes," and other produce of Ireland are of best vent. On this account the petitioners laid out most of their stocks in commodities of this kind, and have transported a great deal of it to those islands where the effects of it still remain. They have also large supplies of these goods for which they have freighted several vessels of great expense and charge.

"Now so it is that your petitioners do understand that some persons of the City of London have endeavoured, by some means or persuasions used to His Majesty, to hinder the said trading for the Canaries," and that some directions or letters were procured to that effect. The petitioners believe that these letters were obtained upon misinformation. As a restraint of their trade will produce a general decay of trade in the country, and, by lessening of the revenue and a depreciation of the value of the estates of the nobility and gentry, "will impoverish the common sort" and will mean ruin for your petitioners:—

They pray that a time may be appointed for them to be heard, on this matter and that they may have copies of such letters or other papers or directions therein as remain before your lordship fit to be made use of for the end aforesaid; and in the meantime that your lordship will respite any proceeding that may impede the said trade or discourage preparations for it. *P.* 1. *Signed by* John Bor and Thomas Freeman on behalf of themselves and the other merchants of Ireland. *Underwritten with—*

Order, dated Dublin Castle, 17 August, *and signed by* the Lord Deputy, directing that the petition be presented at the next sitting of the Council, when it shall be taken into further consideration. *Endd. S.P. Ireland* 319, 128.

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16 Aug. PROCLAMATION by the LORD DEPUTY and COUNCIL.

Sets out section 49, last three lines from "You are hereby," sections 52 and 53 of the Statute 14 and 15 Car. II. [Ireland] Cap. 9.[1]

Sets out an Act of the Irish Privy Council of 15 September, 1662,[2] dispensing with the provisions of the above sections for six months, and prescribing that the particular commodities hereinafter mentioned be from thenceforth for six months rated at:—

Iron of all sorts, £20 a ton and to pay thereout five per cent. for customs and five per cent. for excise.

All silks wrought and all silks manufactured, except ribbands, to be rated at 30*s.* a pound, and pay 18*d.* for customs and 18*d.* for excise.

All plate, as it is freed from customs, to be freed from excise also.

Sets out an act[2] of the Irish Council dated 28 January, 1662[3], dispensing with the provisions above first mentioned for a further period of one year.

Sets out also an act of the same dated 27 February, 1663[4] [*for which see above p.* 371].

Sets out also an act of the same dated 14 February, 166⅘,[2] prolonging the aforesaid dispensation for a further period of six months.

Directs the prolongation of the dispensation with the provision of the above sections of the Act 14 and 15 Car. II., Cap. 9, for a further period of one year after the end of the period of prolongation hereinbefore last mentioned. During that year the commodities mentioned in the order of 15 September, 1662, shall be rated at the sums prescribed by that order. *Pp.* 3. *S.P. Ireland* 309, *pp.* 169-171.

17 Aug. Salisbury. The EARL OF ANGLESEY to SECRETARY ARLINGTON.

Recommending a dependant of his, Mr. Llewellin. *P.* ¼. *Small.* (*Hol.*?). *Add. Endd. S.P. Irelandd* 319, 129.

General date 17 Aug. DOCUMENTS RELATING TO THE CASE OF SIR HENRY O'NEILLE.

Petition to the King of O'Neille, showing that:—

"Some persons borne beyond the seas have discovered to him the art of making with a platte mill for iron battery, frying pans, dripping pans, salt pans, fire shovels, armour for back, breast and head and all sorts of iron plates." By setting up such a mill in Ireland ("where hitherto it was never known") many of your Majesty's subjects will be there employed and benefited and "not a few foreigners there introduced, no other being able to do some things belonging to the said work."

(1) *See Statutes at Large, Ireland II., pp.* 489 *and* 492-3.
(2) Not recorded in *Calendar of S.P. Dom.* for this date.

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He prays for letters patents authorising him or his appointees to set up and work such a mill in Ireland, and—as he will have many expenses in building the mill and engaging the foreign workmen—to "forbid all others to intermeddle in the like design." *P.* ¾. *Underwritten with*—

Order, dated 26 July, referring the petition to the Lord Lieutenant of Ireland. The King is inclined to gratify the petitioner "so far as his suit shall be found fit and of benefit to the public." *Signed* "Arlington" and "Stuart." *Endd. with*—

Report of the Lord Lieutenant on the foregoing Petition.

Recommends the granting of the petition. The patent given to petitioner should contain such conditions or restrictions as are usual in grants of the like nature. *P.* ½. *Signed. In all, pp.* 1¼. *S.P. Ireland* 319, 130.

Entry of the King to the Lord Lieutenant for O'Neale.

Granting him the right prayed for for fourteen years. *P.* ½. Dated Salisbury, 17 August, 1665. *S.P. Ireland* 318, *p.* 121.

This concludes the documents relating to this case.

18 Aug. Dublin. COLONEL RICHARD TALBOT [DICK TALBOT] to JOSEPH WILLIAMSON.

I thank you for all your kindness to me; and am grateful to you for writing all the news "to a man here in a corner of the world." If I could serve you in this country I would do so, and "when the settlement is made here if anything be left at the bottom of the basket (as you tell me there will) I may chance find a snip [?] for a friend. Of this when 'tis seasonable you will hear further."

P.S.—Give my service to Lord and Lady Peterborough. *Pp.* 1¾ (*small*). (*Hol.*). *Add. Endd. S.P. Ireland* 319, 131.

18 Aug. Bristol. The LORD LIEUTENANT of IRELAND to [SECRETARY ARLINGTON].

I did not have time to read the several letters put into my hands by Mr. Williamson the night before I came away, but now observe an apparent contradiction in them. One of them requires a strict carefulness in the militia and a readiness to pass upon duty and the other requires from their hands that stock of money which should support them in the performance of it. Some of the Deputy Lieutenants have made this observation; and I perceive that they do not like to part with this money at a time when they are "so warmly alarmed of some probability of approaching danger." If then the King should continue his resolution to have the remaining

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money now in their hands, which is, I am told, about £4,000, yet I conceive it will be but a reasonable satisfaction to them that the last year's assessment, which I conceive is not yet fully collected, should be left in the county to answer any occasion that may be for it. But if the King could spare £1,000 or £2,000 of the £4,000 and leave that as stock with them, it would abundantly satisfy. I should like your answer on this point by Sunday night in order that I may leave my directions with them. *Pp.* 2. *Signed. In* Lane's *hand. Endd. S.P. Ireland* 319, 132.

General date

DOCUMENTS RELATING TO THE CASE OF CAPTAIN WILLIAM ROSSE.

19 Aug. Report of the Lord Lieutenant on the case of Captain Rosse.

At the instance of Captain Rosse and on direction of your Majesty's letters under the Sign Manual of 23 January, 1662[3]. I have considered the captain's pretences and find that owing to his admitted services to the Crown and your Royal father he deserves some special mark of favour; and "though I do not think it convenient he be considered in the way first designed and that by the Act of Settlement all forfeited lands in Ireland are disposed of and the Treasury there is too low as yet to afford matter for your Majesty's bounty," yet if your Majesty should grant him a pension of £300 a year during life without prejudice to other payments of the civil and martial list, I will take the best care I can to do him kindness therein, and hope that, upon the increase of your revenue, he may receive advantage thereby. *P.* ¾. *Signed. Endd. S.P. Ireland* 319, 133.

Draft of the King to the Lord Lieutenant and Lord Deputy for the Same.

Granting him the above-mentioned pension. He shall have a grant thereof by patent under the Great Seal of Ireland, and the pension shall be put on the establishment. *Pp.* 2½. Dated at Court at Salisbury, 19 August. *Endd. Ibid.* 134.

This concludes the documents relating to this case.

18, 19 or 20 Aug. ENTRY of the KING to the LORD LIEUTENANT concerning the EARL OF WARWICK and LORD RANELAGH.

We desire the dispute between these noblemen to be ended, and that Lord Ranelagh be at last compelled to pay us that duty and obedience which he has long neglected. He delayed complying with our orders for his attendance on us—given shortly after our Restoration—on the plea of ill-health and has since insisted upon the privilege of Parliament, and threatened those that signified our

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commands to him. Finding us dissatisfied, he addressed us as if he was to be tried upon a title of land in Ireland which should be done there, and left to the Irish courts. He is really questioned for a crime committed by him in England, and if we cannot determine the matter we shall leave it to the proper Courts here, wherein his lordship will be sure to have equal rights. "In the mean time we will not suffer our justice to be eluded and so ill a precedent made, that any subject of that our kingdom of what quality soever shall presume to contemn our commands." You shall call Lord Ranelagh before you and let him know "how much we dislike his undutiful carriage towards us" and direct him to appear before us before the end of September next. As the Earl of Warwick has offered him terms, which have been conveyed to him by his son, Mr. Jones, you may fix a time within which he shall answer the offer, to which his son promised an answer long ere now. If he agrees to them, we dispense with his attendance upon us and shall inquire no more into his demeanour and crime. *Pp.* 2½. *Dated as in margin. S.P. Ireland* 318, *pp.* 124-6.

21 Aug. Bristol. The Lord Lieutenant of Ireland to Secretary Arlington.

Asking that a letter presented by Mr. Godolphin concerning Sir William Berkeley may be offered to the King's signature with the Lord Lieutenant's humble recommendation. *P.* ½. *Signed. Add. Endd.:* "Business done." *S.P. Ireland* 319, 135.

Same. Same to Same.

I shall inform the Deputy Lieutenents that the King has dispensed with the sending of half of the money ordered to be sent to Portsmouth. This information, in addition to the King's answer to the other particulars in the enclosed, will, I am sure, abundantly satisfy. I have directed the Deputy Lieutenants as well within this city as the county of Somerset, to make their application to your lordship in all things as formerly, and to observe such orders as your lordship may from time to time send them for His Majesty's service. "I shall this morning endeavour to compose a difference concerning precedency which, how trivial soever it may seem, is the foundation of much disturbance in this city and a hinderance to the service." If I cannot compose it I shall represent to your lordship my sense on the matter either from Gloucester or the first place I shall rest at.

The letter I gave you concerning Harpoole's estate has not been sent on with the others by Mr. Williamson. I beg you will look for it and forward it. *Pp.* 1½. *Signed.*

P.S.—The Deputy Lieutenants think it will be chargeable to send the money guarded from here to Portsmouth and propose that Sir Philip Honywood send some person from Portsmouth to receive it from Sir George Norton. He should send a guard from his garrison, which guard will need no extra pay. *P.* ½. *Signed. In all, pp.* 2. *Endd. Ibid.* 136.

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21 Aug.
Bristol. SAME to SAME.

You know how unsuccessful we have been in our endeavours to make good to Alderman Cale[1] the damage he has sustained for the King. The place he had given him about the prizes [?] has yet only shown that there is an inclination to his advantage. Not even a salary has been set down for him. If he present you with any proper pretension, notice should be taken of him. *P.* ½. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 137.

23 Aug. The LORD LIEUTENANT of IRELAND to [SECRETARY ARLINGTON].
Hynam, near Gloucester. On Monday morning I heard the differences between the Aldermen of Bristol and saw the militia of the city in arms "and am certain that the first hath sopoyled the last, for greater desertions and worse soldiers in appearance and order I never saw anywhere." I think the King should send some person of prudence and constancy to compose the differences by reconciliation if it may be, or, if not, "by his commands upon the most reasonable and best affected side, for whilst the contentions remain untaken off [?] and undetermined, the prosecution and securing of disaffected persons and what else may tend to the safety of the place is interrupted out of the hatred borne to the persons of the magistrates and to those that assist them, and the question of precedency is the only appearing foundation of all this faction which the senior and without doubt the better affected aldermen think the King has judged against them without having heard or seen what they are able to produce for themselves; namely an authentic record out of the Herald's Office of a contrary determination in the case of Bristol in the same question, besides an attestation from the City of London of the constant and continuing practice amongst them as the senior Aldermen of Bristol would have it." If the King, on a fresh application which is about to be made to him, should revise his judgment, it will now fall out to be in favour of those that are best to be relied on. The King should send someone to hear the dispute and report to him, or hear it himself. "I am the more long upon the subject because the place is of great importance and times are, or, for aught I know, may be dangerous. In the county and city of Gloucester the militia, horse and foot are in excellent condition and order by the credit and industry of my Lord Herbert." The King should take notice of it for his encouragement, if he has not already done so. I will send you news of Wales from Milford or near it. *Pp.* 2½. (*Hol.*). *Endd. Ibid.* 138.

24 Aug SAME to SAME.
Hereford.

I recommend for the King's signature a letter which Sir James Shaen will present. It is to give Lord Anglesey £600 a year as a pension. The Lord Treasurer has more than a proportionable

(1) Nathaniel Cale; *see* his petition in *Calendar of S.P. Dom.* 1664-5, *at p.* 150.

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increase directed for him, and Lord Anglesey, being to receive no advantage from it, but by increasing the King's revenue, will not be the less careful to raise it. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 139.

24 Aug. Hereford. The Earl of Anglesey to Secretary Arlington.

Refers to the grant referred to in foregoing. It will not be effective unless he secures an increase of the revenue. Is sure that, after his gracious words at parting, His Majesty will readily pass the letter. *P.* ½. (*Hol.*?). *Add. Endd. Ibid.* 140.

24 Aug Entry of Warrant to the Solicitor-General in favour of John Arthur.

For inserting in the Explanatory Bill a clause for restoring him. *Sets out* the clause, *see* 17 and 18 Car. II., C. 2, Sec. 228.[1] The entry does not contain the words "and the said John Arthur—are still unpaid," *ll.* 19-23 of the section in the Statute Book. *P.* 1. *S.P. Dom. Entry Books XXII. p.* 248.

24 Aug. Tunny Park, [co. Down]. John Tottnall or Totnell to Viscount Conway and Killulta.

I send an account of all my "reseptes and my desbourst mantes" upon cattle according to your lordship's order. I have made out all in one sum, but can give particulars if your lordship desire. [*Other details* as to accounts.] I should like your orders about the oxen. I think to "pout" of [off] only sixty this year, and suggest that twenty be fattened as fat as possible and the other forty as well as our supply of hay permits. We have had a dreadful wet hay harvest for we began to mow about ten days after May and have hardly made an end yet, "which I fear our hay will not bring then to that high of fatness as I would have then, and the watness of the soumer is a heandreance that they will not be in so hi flesh as if it had been a seasenabel yeare." Our small beasts are fattest and will be best to sell this year. "As for the stubing the wood and clearing between the 'mado' and the Tunny, we have not been able to do anything at it this soumer, for we have strove so to hasten the deciy [decoy] that it hath taken all our men away; and since the greatest of that work was over the wat wader hath made the boutem so wat that it was not pousabel to stoub there." The wet year has made the decoy an expensive work, but it is well forward, and I hope will be finished within a month. We shall make ready the ground for the "apeltres" as soon as we can. I have only had 10*s.* of the money due from Thomas Waring "and hard to get by." Our whole oxen are bought this year and 21 [?] of an old account [?]. I forbear to buy more for want of "witreing" [wintering] for them. *P.* 1. (*Hol.*). *Conway Papers. Strangely spelt. Add. Endd. S.P. Ireland* 319, 141.

(1) *Statutes at Large (Ireland) III., p.* 134.

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26 Aug
Golden Grove.

SIR GEORGE LANE to SECRETARY ARLINGTON.

I must again thank you for your favours shown to me whilst I was at Court and assure you of my affection and respect on all occasions. His Grace arrived here yesterday, where he stays until Monday afternoon, lies that night at Carmarthan and on Tuesday night at Sir John Lort's. The next day he is resolved to go to Milford; and from thence I shall give your lordship on account of his embarkation. *P.* ⅔. (*Hol.*). *Endd. S.P. Ireland* 319, 142.

27 Aug.
Lisnegarvy
[Lisburn].

JOSE STROUDE to VISCOUNT CONWAY and KILLULTA.

I fear that when I do write, I trouble your lordship with "my larg episells." I write at no great length now as Sir George and John Totnell write by this post. The decoy is nearly finished at "the Touney." Mr. Johnson is now provided with tame ducks and I shall assist him with two or three small dogs for his purpose. In another month he hopes to be taking. The wet season has hindered the work and spoilt the hay for the oxen. I was with John at Antrim at the buying the last score. They were a good pennyworth, but had your lordship's letters come to Sir George one day sooner, I think they had not been bought; and if he had missed of them it would have been hard to get twenty such as they are. Your lordship's bay stoned horse I hope will be sensible and is now taken from soil. Your colt Abett [Abbot] is much impoverished and so are the young colts. I wish your gelding were taken, he being as well as ever. It is a pity he were not in exercise; pray give orders for him to be so. I have had all your mares covered with the best horses the north could afford, including one of Sir John Skeffington's. [*Further details of horsebreeding*]. I hope your lordship will come here next summer. This country is quite free of infection, but there is a great want of money. I have heard of the Dean being in the West of Ireland and am very sorry for the occasion of his coming; and I hear from Sir George this morning that "he returns without the gentleman, who I have known a long time." It is reported here that he doth strange things. God send the Dean soon over. He will give your honour the best account of him. I took your bay mare to Antrim and had her covered by Captain Wilkinson's horse, which is better than any of Sir John's. Captain Wilkinson has lately been offered £86 for his horse, "since he is lately married and so well mounted," by two gentlemen that were here. I advised him to accept; but he stood out for £90. His horse is improved, "but it is a great deal of money for an untried horse." *Other details.*

P.S.—The new keeper is yet troubled with John Dumvill, who earns his happiness by saying he makes use of all opportunities to undervalue his judgment. It is no small trouble to Symon that Sir George should think he should not know a buck nor a store from a sorel. The greatest difficulty is to know a winter deer, and I dare say he understands his business very well. He killed for the Bishop of Derry the fairest buck I have heard of out of the Tunny.

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If Sir George would have had a buck, Symon would have killed it, though there is only one here. This is all he found when he came. *Pp.* 2. (*Hol.*). *Conway Papers. S.P. Ireland* 319, 143.

28 Aug. PETITION to the LORD DEPUTY and COUNCIL of the MAYOR, SHERIFFS, COMMONS and CITIZENS of DUBLIN, showing that:—

Similar to that calendared at 17 August, 1665, *above, p.* 626. The liberties are claimed by the merchants "of this city and kingdom" instead of "of this kingdom." *P.* ¾. *Underwritten*— Presented at the Board by the Mayor, Recorder and Alderman, 28 August, 1665, and then read. *Ibid*, 144.

[31] Aug. Salisbury. ENTRY of the KING to the LORD LIEUTENANT for COLONEL ROGER BURGES.

By his petition Colonel Burges gives us to understand that Thomas Bowles, Deputy Treasurer to the army in the time of the late usurper *in Ireland*,[1] being called before the Council held in that our kingdom, was found to be indebted in the sum of £1,600 or thereabouts, as appears by the accounts given in the year 1649; that Henry Burnell, employed as Receiver of the public revenues of Carrickfergus, was, when likewise called to account, found to be indebted in £459; and that John Clerke received £800 by false warrants out of our revenue in the time of usurpation. For these sums, we are informed, they have not been made accountable. Colonel Burges has besought us that we would cause the said persons to be strictly examined and called to account for the said several sums respectively, and, after examination thereof, in case it should be found that they stand indebted to us in the same or any part thereof, we would grant him such part thereof as we should think fit. Acting on your report on the matter we direct you to call the aforesaid *persons to* be duly examined *and called to account for the said moneys respectively.* If it appear that the said moneys, *or any of them*, are due to us, you shall grant one-half of them to Burges by letters patents under the Great Seal of Ireland. *Pp.* 1½. *S.P. Ireland* 318, *pp.* 126-7.

Also draft of same. Dated — August. *Pp.* 1½. *Endd. S.P. Ireland* 319, 145.

General date Aug. DOCUMENTS RELATING TO THE CASE OF SIR RICHARD BELLINGS, KT.

Petition of Bellings to the King, showing that:—

The King by letters granted petitioner £3,000 towards reparation of his sufferings; but, owing to the exhaustion of the funds on which that benefit was charged, petitioner only got £200.

(1) The italicised words are interlined in the draft in another hand.

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The King, commiserating the petitioner for his disappointment, ordered the remaining £2,800 to be paid to him (by letters under the Great Seal, dated 9 April, 1664) out of the first moneys paid in by adventurers under the Act of Settlement. Furthermore, His Majesty, to show his special desire that petitioner should receive the benefit of his intentions, wrote a note in his own hand at Salisbury, dated 14 August, 1665, commanding the Earl of Anglesey to pay petitioner out of the first moneys that should come into his hands upon that "fonds."

The Duke of Ormond, who is concerned in the same "fonds," allowed this preference.

The petitioner understands that the King has bought from the Duke of Ormond £48,000 which is payable to him out of the same fonds, and if the King do not renew his preference to him he will be disappointed of payment. He prays that his £2,800 may be taken into the agreement with the Duke of Ormond and that so he be paid out of the first sums that come in; and that this may be provided in the King's grant to the Duke of Ormond. The Duke agrees to this course. *P.* ¾. *Endd. S.P. Ireland* 319, 146.

Copy of the King's Note referred to in foregoing.

Anglesey. My positive command is that of the £100,000 appointed by the Irish bill to pay my warrants, you pay what remains unpaid to Sir Richard Bellings in the first place. *Three lines. Signed* C. *Dated* Salisbury, 14 August, 1665. *Endd. Ibid.* 147.

Fragments of Royal Warrant in favour of Bellings.

Recites his faithful service, and the facts as to his grant stated in his petition above. The Duke of Ormond, who had an assignment of £48,000 on those funds, admitted Bellings to a preference for the £2,800 [mentioned above]. The King has purchased the Duke of Ormond's right to the £48,000, and thereby Bellings may lose the benefit of the preference so intended unless some special provision be made for him. Bellings shall o o o [*imperfect*]. *Two drafts. Pp.* 1¼ *and pp.* 1⅓. *Endd. Ibid.* 147 *and* 148.

This concludes the documents relating to this case.

September, 1665.

2 Sept. Milford Haven. On board the *Dartmouth* frigate, about 5 p.m.

Sir George Lane to Secretary [Arlington].

I have just come aboard from Sir Hugh Owen's house, Orielton, and have to say that the wind and weather being fair, we shall set sail as soon as my Lord and the Duchess come aboard, which will be, we think, in half-an-hour. We hope to reach Waterford by this time to-morrow. I shall let you know the news. We hear that the

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Lord Deputy was in Waterford on Sunday with a great number of nobility and gentry of the kingdom, and the Guards, awaiting his Grace's arrival. I shall early let his Excellency know what he owes you, and doubt not but that I shall soon send his acknowledgments. Only my Lord and the Duchess with Lady Arran and their train are on this ship. The Earls of Anglesey, Abercorn and Inchiquin, the Lords Mayo, Dungan, and O'Bryen, Sir George Hamilton, Sir James Wemys, Colonel Vernon, Mr. Lutterell, Colonel Milo Power, Sir Nicholas Plunkett and three or four other gentlemen are on the *Pearl* frigate. I had almost forgot to mention Captain Patrick van Uffle "who is of our society and in the particular care of, my Lord, Your most obedient," &c.

P.S.—The *George* frigate is ordered to attend the transportation of our horse, which cannot be shipped till the next tide. "My Lord and my Lady are just now on board and we are hoiseing sail with a fair gale." *Pp.* 2. *(Hol.). Add.:* For your lordship. *Endd. S.P. Ireland* 319, 149.

2 Sept. Lis[burn].

SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

Mr. Robert Conway is obliged for your kindness, and hopes his commission may come before the next muster. We suppose the Lord Lieutenant is landed and the Lord Chancellor and others have gone to meet him at Kilkenny, so that it is likely your lordship's letter may reach him before I can deliver to him your commands to me. As you have come to the conclusion about Conway Castle, Mr. Hoole and I and the gardener think that the turrets should be covered with lead. It will make them more defensible and useful. That at the low corner of the wilderness is yet uncovered. We were thinking to plank and calk it; but, if lead come, so much the better, and also for the two turrets at the end of the walks and of Bridge Street. They are going up and one is "story high" already. The turret at the bowling green is not yet fully shingled, but will be next week.

I have taken the advice of William Hoole, John Totnall, and Francis all together at the Tunny park, and we have laid out the orchard plot. It will doubtless be excellent mould for fruit trees, and we think it would afford a place for a fish pond, "and the soil be very agreeable for carpes. But for bees, we judge this place fitter, where some shall be set forthwith, it being near the time of removing hives." John Totnall has written of his accounts and will get in Colonel Talbot's money and "the plate money." As to hemp seed, be pleased that Garrett bring as much as he can get. It will be good for sowing as well as for the decoy, and is much dearer here than at Chester.

"It seems your lordship is resolved and concluded for setting up a glass work, which I heartily wish may prove according to your expectation; but much I doubt it, having been so burnt in the hand with projecting the setting up manufactures here and particularly the stocking trade of late." The lands of Lishnee and

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Coleblockan are all well set of late, except two small parcels. But if the tenants do not agree for them others will.

Details. Captain Langford, I hear, did not go into England, but has been at Sir Audley Mervin's in the country, who has written to me to end the suit by another treaty. But all is prepared for the argument next term, so I have answered him that if he had performed what he promised upon our last treaty he had saved the charge and trouble of a prosecution still at law, and that, as that is now ready to be tried, the quickest way will be to go to trial. I do not know what reply will come.

We are all well. Arthur is still at Portmore and the Bishop is unwilling to let him come home. *Polite expressions.*

P.S.—I have seen your lordship's letter and I shall help Adam out with my own money if there is not enough to pay Dr. Colvill. We shall not have fines out of Lishnee or Coleblockan yet. They have liberty to fine for one-fourth part in their agreement. Money is scarce as yet. I hope we shall have the ground ready for the apple-trees whenever they arrive.

Other details. "The Hilsboro family were all here yesterday at dinner. The young lady pleases them very well, and indeed she is a fine girl, and by this match they will be too strong for Hill Hall, as they are sensible of, yet offers [offer] not agreement only in words." *Pp.* 2½. (*Hol.*). *Conway Papers. Add. as letter on p.* 538, *above. S.P. Ireland* 319, 150.

3 Sept
Lisb[urn]

Sir George Rawdon to Viscount Conway and Killulta.

I have spent most of this week in accompanying Father Patrick here and in the country. He has been shown all respect both here and at Portmore and Hilsborough. He has expressed himself pleased with his welcome and the country and promises to correspond with me and do me all the favour possible in his power, and has committed the protection and care of all his friends here to me.

I have been arranging that the trees in the orchard at the Tunny shall be set 32 feet apart. All will be ready for the trees which are coming and we shall prepare fresh ground for a recruit next year. I also spent some time inspecting the decoy, which is ready and the nets set over the pipes. Paling and gravelling the walks is still going on. We are getting him [the decoy-keeper] some tame ducks and he wants 200, and principally some of the right kind from Antrim. I hope I may by the next post have orders to send for them from Sir John Skeffington, now Lord Massereene.

I suppose your lordship hears his father-in-law is dead. Martin thinks the decoy is of great hopes, and indeed it is a fine work and, I see, comes within our estimate of the charge. "The wolf haunts that park of late and hath killed 3 or 4 of a few muttons, ... so I have put Totnall upon setting traps and watching with guns and Simon the keeper, who is an excellent shot, but, I perceive, no great woodman, yet I hope will do well, being careful and not given to drink." You mention Glanavy for the glass work, but we cannot have it there as there, is no wood near and the carriage of it is very costly.

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As soon as your sister is "laid" I shall move for Dublin, with the Bishop of Down. Our Parliament is to meet on the 26th of October and I think the Dean will think of settling in England, having such parts and friends. I should be sorry to lose him. If he goes we shall need someone else here. Mr. Lewis supplies us at present and is popular, but I do not know if he will stay in Ireland "having a good fortune by his wife, and she not liking Ireland well." I am obliged for your abstract of the bill and think it as nearly perfect as any which is yet come over, and I shall soon see the bill itself.

The enclosed will give you an account, though not a ready one, of your revenue. I have often found fault with the charge of the gardener's workmen, and have tried to get him to deal with them "by the great" [gross?], but he is unwilling to do so. I have been £20 out this year upon his bills for labourers, weeders, &c., besides your lordship's. I think he might contract this expense if he would only listen to advice. *Family greetings, &c.*

P.S.—We had bonfires on Monday for the victory at sea. My service to the Dean. *Pp.* 2½. (*Hol.*). *Conway Papers. S.P. Ireland* 319, 151.

5 Sept. Lisb[urn].

Sir George Rawdon to Viscount Conway and Killukta.

Our merchant came from Belfast to show me his correspondent's letter, who lives at Greenwich, that he had accepted all his bills amounting to £800, of which he affirms that £300 was part and that he had not charged more than £500 besides upon him. As he was providing beef for the Navy he was in want of money so I ventured to lend him £100 upon his bill to repay it if you do not return the £300 bill. Pray let me know as soon as possible what is done about it. The Bishop of Down was here at his Court; also Hillsboro' and Hill-hall neighbours, and the young lady, the Lord Chancellor's daughter, who pleases her mother and everybody very well. His lordship tells me he wrote to you desiring a young scholar to be sent over from Ballinderry to be his chaplain and live with him in his house. He thought Raphe Smith's son would have supplied that place. He is a good scholar, but so modest that he wishes to stay longer at the College before he enters the ministry. He is like to make an excellent preacher and supplied this church last Sunday, Mr. Mase not coming to take his promised turn. If the Dean be returned to Ragley I desire your lordship to acquaint him with my faithful service, and to let us know if he intend to be here again by the end of the next month. If not, I desire to know it that we may prevail with somebody to supply the place a while. I am very glad Mr. Evans will be removed from Ballinderry and so are his parishioners. The church here is begun. I sent the Bishop of Derry the fattest buck that ever I saw, I think, and had a compliment back too long and too high to be expressed in a little room. It is the first fruits of the Tunny park where he came in by chance. The wet year has prevented the

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Bishop from having any buck worth killing. It has rained all day to-day and our corn and hay here is in sad condition. To-morrow is our fast day "which I have got a stranger that came lately out of England to supply." Your sister and the children are all well and the whole country very healthful; God make us thankful. The Lord Deputy and Council are at Kilkenny. *Details.*

P.S.—(1) Perhaps Mr. Pearce's son may be fit for the place, but he is "a youth of so great hopes that it is a pity he should leave the University so soon." (2) "We hear many strange stories of the Jews marching to Jerusalem, and are in great expectation of good news from the fleet. *Pp.* 1½. (*Hol.*) *Conway Papers. Add. as letter on p.* 538 *above. Endd.: Post paid* 6*d. S.P. Ireland* 319, 152.

5 Sept. Waterford. SIR GEORGE LANE to SECRETARY ARLINGTON.

His Grace arrived with his whole train at Duncannon about 12 o'clock on Sunday and yesterday in this city. They were received with great demonstrations of joy in the magistrate and the people of all sorts. The Lord Deputy, my Lord of Arran and several persons met us above a league from the fort at sea. I have not omitted to tell my Lord of Ossory how much he owes to you, and he will be ready to do you all the service in his power. He desires the enclosed to go to the King. *Other details.* The Duke of Ormond goes to-morrow to Kilkenny, where he will stay till the end of this month, Parliament being prorogued till about October 5. *P.* 1. (*Hol.*). *Endd. Ibid.* 153.

8 Sept. Dublin. COLONEL RICHARD TALBOT to JOSEPH WILLIAMSON.

About three weeks since I acknowledged the favour of yours to me from Salisbury in Lord Arlington's packet. I thank you for remembering me. Pray excuse my troubling you to send the enclosed to Lord Berkeley, and let me know, when you are free, how our fleet steers. I believe that the stage that gives nobody ease may leave you a little less busy than you use to be. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 154.

10 Sept. Salisbury. ENTRY of the KING to the LORD LIEUTENANT and [TREASURERS of the '49 OFFICERS] for JOHN, LORD BERKELEY.

We hear that many houses in the corporations of Ireland, especially in that of Galway, are fallen to utter ruin and decay, in regard they belong to no particular persons, but are comprehended within the general extent of your interest. John, Lord Berkeley, has purchased considerable arrears of the '49 interest, which he desires may be assigned on Galway, he intending to rebuild and

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repair the houses at his own cost and charges. We recommend him to you for assignment of the arrears he has purchased "according to the said rules and terms whereby any others have been gratified." *P.* 1. *S.P. Ireland* 318, *p.* 128.

10 Sept. Salisbury. ENTRY of the KING to the LORD LIEUTENANT and the TREASURER, VICE-TREASURER and BARONS of the EXCHEQUER and other OFFICERS whom it may concern.

Directing them to give order for the cutting down of 1,000 trees out of the woods of Londonderry and for delivering them to [*blank*] for his use without account. *P.* ¼. *Ibid. p.* 129.

10 Sept. At Court at Salisbury. SIGN MANUAL WARRANT to the LORD LIEUTENANT.

Directing him to cause letters patents to be passed under the Great Seal of Ireland and containing the grant of the dignity of a Baronet of Ireland to William Sands, of Dublin, Esq., and his heirs male, with all rights, privileges, &c.; and with a discharge for such services as are to be performed or payments that should be made in consideration of those services. *P.* ¾, *with countersignature of* Secretary Arlington. *Add.:* To the Lord Lieutenant. *S.P. Ireland* 319, 155.

10 Sept. Dublin SIR WILLIAM DOMVILE to SECRETARY ARLINGTON.

I have received yours of last month and thank you for "your transcendent kindness to a clouded man." I thank you heartily [*fulsome expressions*] and shall be glad to see Mr. Lye in Ireland and, when he shall arrive, to serve you. The Lord Lieutenant arrived at Kilkenny on the 6th and we expect him here on the 23rd. His Grace has declared that our Parliament shall sit on October 5. I hope it may proceed to the King's satisfaction and the settlement of this poor divided kingdom. I shall keep you informed of anything that comes to maturity "in that Great Council or elsewhere." *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 156.

11 Sept. Dublin. SIR NICHOLAS ARMORER to the SAME.

I am in your debt for a letter and other things; and can pay off the letter. You have no doubt heard of the Duke's arrival by other hands. He embarked at Milford at six o'clock on the evening of the second, and on the next day, at 10 o'clock in the morning, was at anchor in the river by Duncannon, "my Lord Duke's own Government, where I have the honour to be his lieutenant. There his Grace, my Lady Duchess, Lord Ossory, who met them there, Lord Arran and his lady were pleased to make a

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bad lodging that night, and a dejuner as ill next day." After dinner they went to Waterford, where his Grace staid one day. He is now at Kilkenny, where he intends to stay till the end of this month. "I came from thence on Friday to wait upon the best woman in this world thither, which is the excellent lady of Ossory, who with some of her infantry goes to-morrow to join with the rest of that great and good family. I brought Father Patrick hither in my Lord of Ossory's coach," which had the misfortune to overturn the good captain and two ladies on the top of him. The axle-tree broke in a dark night and four miles from his inn and raining. The captain was in his best clothes and in so great disorder as yet I never saw man of his country in more. At last we mounted the ladies on coach horses, one of them upon Father Patrick's black canonical cloak [?], the captain himself upon a small assinego of his country in his silk hose; and so Don-Quixote-like, about nine in the night, we arrived at our tatched inn. He is now delivered safe in Dublin, where all the town courts him. From hence he moves to get his mother's blessing. The first day of his landing in Munster he, being mounted upon a cheval de battalia by one of his countrymen, the noble captain, to show his valour, would try to leap. The horse leapt from under him and left the officer in the ditch. My Lord Duke, coming up a little after, asked the captain the manner of his being dismounted. He said the horse leaped four yards further than he had a mind to go and so he stayed behind.

"That night at Waterford it is supposed his man Richard lay with him, who has as great interest as Sanco had in his arant knight. He has begged all his friends not to write his adventures by no means to my Lord Arlington. Then he says 'Oh Fait; he will tell the King and I shall be so so laughed at.'" He is so much obliged to Lord Arlington that I dare swear that, if it were in his power, he would make him "Poope." At his return comfort yourselves he will be better company than ever; and is an honest grateful poor creature, and most pleasant.

I am rejoiced that the Duke and Duchess are back and are satisfied with their reception and with what Lord Arlington has done. I shall not repeat what I heard the Duke say of Lord Arlington lest I should be thought a flatterer, but I pray God to make still their friendship greater. Lord Orrery also loves Lord Arlington and they will esteem one another when they meet.

"I beseech you to lay me humbly at this lordship's feet." He has no servant more loyal than I.

P.S.—I have some "uskabath" at Bristol by now; which I will send you if you please to present some of it to my Lord. If he likes it, or anything here, let me know. *Pp.* 4. (*Hol.*). *S.P. Ireland* 319, 157.

13 Sept. Kilkenny. The Lord Lieutenant to Secretary Arlington.

Complaint has been made to me by Mr. Christmas, Mayor of Waterford, and Mr. Fitzgerard, inhabitant of the same, that a small

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vessel called the *Samuel*, wherein they are both concerned has been lately taken by an "Inglich" privateer, John Parish master, and brought into Dover, and that a considerable value of her lading has been plundered. I desire that the Commissioners of Prizes be ordered to release her and give compensation for what has been "embeazeled." *P.* 1. *Signed. Add. Endd. S.P. Ireland* 319, 158.

18 Sept. Dublin. LORD KINGSTON to SECRETARY ARLINGTON.

If I forget not, Lord Massereene was by the Act of Settlement lately sent over, joined with Lord Orrery (as in the former Act) for receiving the year's rent from adventurers, soldiers, &c. I am satisfied Lord Massereene is not likely to live two days after the date of this letter; and 'tis probable some persons may endeavour to obtain the King's grant of this place, which may possibly prove very inconvenient for my Lord of Orrery, and may render the small benefit which he is to derive from the grant uncomfortable or litigious. If, therefore, you will prevent the post from being filled up before the desires of the Lord Lieutenant and Lord Orrery are known, you will infinitely oblige the latter. *P.* ¾. (*Hol.*). *Add. Endd. Ibid.* 159.

18 Sept. Kilkenny. The LORD LIEUTENANT to the SAME.

I arrived on the 3rd, and have since been occupied here with my private affairs and divertisements. I shall be here for a fortnight on the same account, for it is useless to call the Parliament till the Explanatory Act of Settlement is printed and those other acts brought over to us by Robin Lye. I think these acts will pass through the Houses without difficulty unless the fleet is defeated at sea or some commotion arise at home. "That which looks most threateningly upon us is the poverty of this people, a poverty so great and so apparent that in good earnest I do not see how it will be possible for them to pay what the Parliament will charge them with for the supply of the defect of the King's revenue." Nor can it be well computed what that defect will amount unto until the farmers of the customs shall have demanded their defalcations on account of the war and pestilence, which they will certainly do. I cannot imagine how then the civil list or the army will be paid, or what inconvenience may follow from non-payment. The administration of justice must stop or be delayed and the army become unquiet, or at least, unuseful. I shall do my best to prevent these inconveniences. "But there are but two possible ways of doing it; one is to obtain the repeal of so much of those Acts of Parliament in England as obstruct, or rather, destroy our trade, or, failing of that, the sending us £30,000 yearly, till those acts are repealed or till we shall after the settlement have found out some other way of exporting those commodities we are forbidden to transport into England and the English plantations." Seeing these difficulties

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I feel it my duty to inform the King through your lordships, of them "whilst a more particular account of our poverty and of our necessary expenses here is in preparation, lest some opportunity of providing against so near and visible a necessity should be lost." *Pp.* 1½. *Signed. Add. Endd. S.P. Ireland* 319, 160.

16 Sept. DRAFT of LETTERS PATENTS for SIR GEORGE LANE.

In reward of his many services at home and abroad [&c., as in letter of 15 August, 1665, *above p.* 624-5], we are pleased to appoint Sir George to be Secretary at War to all our forces of horse and foot raised or to be raised in Ireland, according to the tenor and effect of our letters of 15 August last and by these presents we appoint him accordingly. He shall have an allowance of 20*s.* a day for himself and 5*s.* a day for his clerk, and all other fees, perquisites, &c., attaching to the post; and with the right to execute the office by a deputy. *Full* beneficial and *non obstante* clauses follow. *Pp.* 2½. *Underwritten*—

Carleton *et* Exham.

Entered in the office of His Majesty's Auditor-General, 29 January, 1665[6]. JA. WARE.

Enrolled in the patent rolls of chancery of Ireland of the 17th year of King Charles II., *and examined by* Ra. Wallis, clerk in the office of the Master of the Rolls.

Entered in the office of the Musters [by] Richard Barry, Deputy to the Muster-Master-General.

The whole certified a true copy by Joseph Williamson. *Endd. Ibid.* 161.

19 Sept. Charleville. The EARL OF ORRERY to SECRETARY ARLINGTON.

I am obliged for yours of the 7th. "I am now holding the provincial sitting which is, as our terms in England, to try all causes at Common law or Chancery, only there the judges sit in the morning and I am fain to sit all the morning and all the afternoon, which does egregiously tire me, almost as much as the debating a bill of Settlement for Ireland in England."

"From my soul I praise God that my King and master has recovered his indisposition." In politics as in materials all the members suffer from the indisposition of the head. "For I can truly say, I, that am the worst part of the body politic (that is, one of the feet) have been as sensibly sick at the indisposition of the Royal head, and as perfectly rejoiced at his blessed recovery as if I myself had been ill and then well.

But the similitude is too low, for I may truly say, a thousand times more, since I love the King a thousand times more than myself and therefore my sensibility for him either in his ill or good condition cannot but be proportionate."

Further loyal professions follow.

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I hear now that the Council have advised the Lord Lieutenant not to call Parliament together till October 26, though he had intended to do so on the first. My friend, Mr. Cooper, was to have gone this week to Clanmalearo, but has been hurt alighting from a young horse. As soon as he can go he will do so, and prepare all things against honest Robin Lye's coming over. There is not an abler or honester man in this kingdom for the work.

I have not been idle in getting news of the Irish and fanatics. The former do much talk, in their private meetings, of the French and rely on them. The latter at present are very still, but I am none the less vigilant over them. "If promises and vows are kept, I shall know of most considerable things amongst them, for I have engaged some who I thought were unengageable."

Remember your promise to get Mr. Godolfin to send me the foreign news, and send me the cipher. I have occasion to use it and may have more.

We pray for your deliverance from the Plague and hope that as God punishes us himself he will not let our enemies do it. I can, if necessary, send you an account of the ships which come in from day to day into this province. I think I can "groundedly" tell you that I have engaged not a few members of Parliament to be for our new bill, and I am daily engaging more, since the King desires it to pass. Pray, in framing of Irish bills do not forget one which is to build *de novo* the Bridge of Copooqueen [Cappoquin] and which I recommended to you in a former letter. *Other details. Pp.* 4. (*Hol.*). *Endd. S.P. Ireland* 319, 162.

20 Sept. Dublin. The Earl of Anglesey to Secretary Arlington.

I am your servant, &c. The country here is in a more sad and miserable condition than I ever knew it before. "His Majesty hath here a great people, but 'tis a nation of poor. I much apprehend that if the act prohibiting the transport of cattle, and the war with Holland, continue another year, here will be desolation and no possibility to maintain the army, there being no such thing as money or trade." I do my best to avoid these inconveniences. We have had to prorogue Parliament further to October 26, for want of the subsidy and other revenue bills which your lordship promised to hasten after us. They should be sent at once. *P.* 1. (*Hol.*). *Add. Endd. Ibid.* 163.

22 Sept. Salisbury. Entry of the King to the [Receivers of the Adventurers' Moneys] for Sir George Lane.

Directing that all payments due from Sir George for lands settled on or confirmed to him under the Declaration and Act of Settlement be acquitted and discharged. Any sums paid by him under these heads shall be repaid. *P.* 1. *S.P. Ireland* 318, *p.* 130.

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23 Sept. Salisbury. DRAFT of the KING to the RECEIVERS of the ADVENTURERS' MONEYS for JOHN, LORD KINGSTON.

Similar to the foregoing entry in favour of Sir George Lane, and making similar provisions as to repayment. *Pp.* 1½. *Overwritten:* "Duplicate." *Add. Endd. S.P. Ireland* 319, 164.
Also note of same. *Two lines. S.P. Ireland* 318, *p.* 131.

26 Sept. Dublin. JAMES [MARGETSON], ARCHBISHOP OF ARMAGH, to VISCOUNT CONWAY and KILLULTA.

On receiving your letter I at once wrote to the Archbishop of Canterbury that if Dean Greaves would reside here he would prevail with him to exchange the Deanery of Dromore for that of Connor and that, if he would not reside, he would give me leave to take advantage of his absence and recommend Dean Rust to his Deanery and to prepare all things in order thereunto in due form of law "for I take it to be the most unreasonable thing in the world that a man should live in England and hold a dignity here." Your lordship should apply to his Grace when you meet him at Oxford and take notice that I have writ to him to this purpose. When you have seen my Lord of Canterbury, if you will write and tell me what I can do to further Dean Rust, I shall be pleased to obey your commands. *P.* ¾. *Signed. Conway Papers. Add. to* Viscount Conway at Ragley "to be conveyed by Coventry; post paid, 6*d.*" *S.P. Ireland* 319, 165.

27 Sept. Dublin. LORD KINGSTON to SECRETARY ARLINGTON.

When I last wrote I was solicitous on behalf of Mr. John Blackwell to whom I owed a considerable sum. On examining him you gave him his liberty. Soon after (the plague breaking out in London) he was desirous of leaving the place, and I, having no other way to make satisfaction, gave him the use of a small house I bought in Cheshire. I also wanted him to value a small estate there, and, at his suggestion, sent a surveyor from Ireland to survey the farms, as I was informed that I had been much abused by the tenants there. They have found the revenge of informing against him as a fanatic, and the Deputy Lieutenants there have seized on him as a dangerous person; so that my expense in sending and paying "an expert artist" will be lost, besides the improvements I had looked for from my estate. Mr. Blackwell was a perfect stranger in the country, and had only a wife, seven small children and two maid servants, no man servant being in the house, and not even a pocket pistol. Yet he was seized as dangerous. I pray that you will direct the Deputy-Lieutenants, if what I say be found true, to release him so that he may continue to prosecute my interests there. He has not been criminal since the King's

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restoration, and is, I know, penitent for what he did before. I pray for this favour.

P.S.—If you should think well to get the King to sign some paper such as the enclosed, for the prevention of such occurrences in the future, and send whatever you do to Mr. John Anderson at the *Hope and Anchor* in West Chester, you will greatly oblige me. *Pp.* 2. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 166. *Enclosing—*

Draft of the King to the Lieutenant and Deputy-Lieutenants of Chester and all Mayors, Bailiffs, Civil and Military Officers, whom it may concern.

Lord Kingston has committed the management of his estate, &c., in England to John Blackwell, Esq., and permitted him to live at the manor house of Bidston Hall, in Wirrall in Cheshire, with power to go over to Ireland to report to Lord Kingston on his estate. You shall permit Blackwell quietly to live and work in this house and to travel unmolested to Ireland when occasion require, we having had assurance of his loyalty. *P.* ½. *Ibid.* 166, 1.

About 29 Sept.

Abstract of the Bill of Enrollments transmitted from Ireland.

It is thereby enacted that after 29 September, 1665, all feoffments, grants, conveyances, &c., whereby any lands, tenements, or any estate of inheritance shall pass or be conveyed, derived or altered, or whereby any lands, tenements, &c., be any ways charged or burthened, or by reason whereof any use or uses shall be raised, directed or limited, shall be void against the King and his heirs, the Lords of the fee and any purchaser buying for good value and *bona fide*, unless such feoffments, deeds, &c., be entered within six months of its perfecting thereof

If in Leinster - - - -	In the Chancery.
,, Munster - - - -	,, ,, King's Bench.
,, Connaught - - -	,, ,, Common Pleas.
,, Ulster - - - -	,, ,, Exchequer.

The entry thereof must contain the names and additions of the parties, the dates, names of witnesses, names of the lands affected and their whereabouts and, the limitations of the estates. *Details follow* as to fees to be taken by the officers who receive the entries. *P.* 1. *Endd. Ibid.* 167.

30 Sept. Dublin.

Robert Lye to Joseph Williamson.

I landed here two days ago and received your orders, sent to Salisbury. I shall be glad to serve you and pray you will preserve me in my Lord's good opinion.

Parliament is to meet on the 26th. The Lord Lieutenant, Lord Deputy, &c., are expected here on the 10th, and Sir Daniel Bellingham is to-day sworn Mayor of this city, " who was believed

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would have been Lord Mayor, the King having long since granted them that honour, and my Lord Lieutenant now desiring it by letter, but the Court of Aldermen would by no means admit of it because they think that honour too great a charge."

I hope you will favour M. Lestrange if he make any demand which is reasonable, and stands with your convenience. Let me hear from you once a week.

P.S.—The news of the second victory over the Dutch has put me "besides my wits for joy." *Pp.* 3. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 168.

30 Sept. Dublin. COLONEL TALBOT to JOSEPH WILLIAMSON.

Asking for leave to correspond with him and hoping that he is not forgotten.

P.S.—Thanks Williamson for letters received whilst he is writing these and hopes he does not appear unjustly reproachful. Does not know how to express his gratitude. Is endeavouring, with his friends, to discover some substantial way of doing so. *In all, pp.* 1½. (*Hol.*). *A flattering letter. Add. Endd. Ibid.* 169.

30 Sept. Lisburn. ADAM LEATHES to VISCOUNT CONWAY and KILLULTA.

On 5th August I still had £140 in my hands and have collected about £340 of the rents since. I have since paid:—

To Sir George Rawdon and Mrs. Taylor on Major-General Munroe's account a sum owing him for the horse called Mount Alexander, of -	£25
To Lieutenant-Colonel Conway for his quarter, payable on 1 August - - - - - -	£30
To John Totnell for mending the pales about Castle Robin park, making two ponds, &c. - -	£6 odd
On the hay account [to same] - - - -	£3 odd
On the Decoy account ,, - - - -	£27 odd
On the works here - - - - - -	£40 odd

You shall receive further particulars when I next send my account. I have also made payments [*details given*] to Major Stroud for horsing your lordship's three mares, to the gardener's man for a quarter's wages, to Martin Johnson for the same, to Jarvis Hyerne, and to Mr. Burrill. These disbursements amount in all to about £259, so I shall have about £221 left in my hands. Of this I have laid by £209 to satisfy Mr. Burrill's bill. When the remainder of the arrears of rent come in I shall have to pay sums for the works here and for the decoy at the Tunny, two years' wages to John Totnell and his keep since you left, a year's wages to Thomas Abbot to May last, and two years to his wife when the family went from hence; and your lordship's weekly allowance to the poor for a year ended in August last. This never having been asked for by the churchwardens till this week, I never offered to pay

it, but have promised to discharge it next week. There is also Mr. Haslam's allowance due. *Other details* of estate management, &c. Some of the tenants have liberty to fine of part of their rents, but must pay the full rent till such fine is paid. I hope to be able to pay Dr. Colvill at his day, which will be 27 November, and have told him so, that he may not expect interest. The grazing money from Castle Robin is, in accordance with your desires, devoted to building the stone wall which you directed should be built about the domains there. William Hoole and John Totnell think the work will take the grazing money for more than two years.

Other details. The gardener wants some pear kirnells sent over to sow for raising stocks to graft upon. M. Fountaine sends a note for the Dean of Connor. *Pp.* 1½. (*Hol.*) *Add. in* Sir George Rawdon's *hand. Conway Papers. S.P. Ireland* 319, 170.

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3 Oct. Kilkenny. The Lord Lieutenant to Secretary Arlington.

If my secretary were here you should have better writing. These are chiefly to "countenance the sending of letters to others with security under your Lordship's cover." I hear Robin Lye is landed with eleven bills which, with the Bill of Settlement, will keep us busy for some part of this winter. My tenants seem disposed now to pay one-half of my rents, which will be to treat me better than most of my neighbours. My son Ossory daily expects news out of the enemy's country. If it should be of any importance it will be forwarded to you. *P.* 1. (*Hol.*). *Endd. S.P. Ireland* 319, 171.

4 Oct. Dublin. Sir Edward Smythe to Viscount Conway and Killulta.

I am grateful for being made the first burgess of your new corporation of "Lisborne." I am sorry I am now to resign that place into your hands as being incapable of any longer holding it. I have been too busy with doing public duties to do anything else. If you have not thought of any other person to succeed me, let me mention to you a worthy man, Mr. Robert Johnson. He is "of the robe and but lately come to practice here, of kin to Lord Arlington, whose Lordship has written passionately to me on his behalf." I know his lordship would be much your debtor if you appointed him to the place. My brother Lucy will give you more information as to this question if you require it. *Pp.* 1¼. (*Hol.*). *Conway Papers. Add. Ibid.* 172.

5 Oct. Dublin. The Earl of Anglesey to Secretary Arlington.

Assuring him of his loyalty, thanking him for speedy despatch of his business. *A subservient letter. P.* ¾. *Small.* (*Hol.*). *Endd. Ibid.* 173.

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7 Oct. Lisb[urn]. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

Captain Thelwell is going into Wales and do all the service for you which is in his power. He thinks Lord Bulkly is the chief contriver of the design which I hope is so injurious that after this first Welsh heat and essay they will desist. As we have estimated and cast up the weights at 112 lb. (which is the "salelable" 100) it amounts to 32 tons 19 cwt. 3 qrs. 22 lbs., which at £20 a ton, comes to £659 19*s.* and we think it would fetch that price if sold in Dublin. Timber is worth 35*s.* a ton then (of late some give 40*s.*) now that the Norway trade for deals is obstructed by the war. Since these gentlemen have used your lordship thus I think you may also disappoint their contrivements by not letting them have either lead or wood; but iron I suppose will sell better there than in Ireland. Captain Thelwell and my lieutenant speak of a great deal shipped away by "Sir Carter" in the usurper's time and by "Sir Williams" since the King's time, and some by Sir Henry Conway. I conceive Sir Carter is as liable to account by action as Sir Williams and that the act of indemity does not pardon any personal actions of trespass unless he can show an ordinance or order from the usurped power to take and convert your lordship's property to his own use. He certainly cannot do this.

I shall next week tell you of the dissatisfactions among the troopers, and hope to settle them. Pay has at length come for four months and Will Hill, who is at Down Sessions, will be here on Monday to see it issued.

I find the three houses built between the castle wall and the street very inconvenient and their backsides, looking this way, very unhandsome. As Mrs. Taylor was setting one of them to Scotchman, I will, if you please, treat with her and Higgeson, who have leases, to buy them off. I think £20 will do it and then next summer we shall build a wall there along the street. If your lordship approve of this I desire your pleasure. "If this were done this house stands in the country altogether free from the town." I writ to your lordship that I received Mr. Robert Conway's commission. He was mustered at Coleraine and is there now settled with my troop.

We hope that Ragley will be preserved from the plague. I shall try when I go to Dublin to get the Dean's licence and shall speak to the Bishop of Down about it. The Dean should write oftener to him. His lordship and lady and company will be here on Monday. *Other details.*

P.S.—The keeper and all our gun men are watching the wolves that haunt the Tunny Park almost every night. My sister Hill and her family will winter in Dublin. Also Hill Hall family. *Pp.* 1¼. (*Hol.*). *Conway Papers. Add. as other letters of Sir George Rawdon, e.g. p.* 538, *above. S.P. Ireland* 319, 174.

11 Oct. Kilkenny. The LORD LIEUTENANT to SECRETARY ARLINGTON.

I only received yours of the 20th of August on the third of this month; and have yours of 23 September also. Since 22 August most of your conjectures are brought to certainties and "you have

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had successes which have repaired at least the disappointment of Bergen. What the conclusion will be with Denmark and Sweden upon that occasion is what is to be expected with the greatest concernment next after what the Parliament will do for the King's further supply, upon which his credit and consequently the good success of his negociations abroad will much depend." I shall write next from Dublin, and hope to send an accurate report on the revenue. I directed Lord Anglesey to have it ready for me. "It is possible that upon any representation that may be thought fit to be made to the Parliament of the necessities of this kingdom, His Majesty's former supplies and his great bounties disposed of by no Act may be called to mind and objected. To which I conceive the answer may be that for the supplies already sent a fair and just account is ready to be produced, and, for the bounties designed by the Act, some of them are rather payments of just debts, and reparations of losses to persons otherwise utterly ruined in the service of the Crown, than gifts; and even the gifts are to such deserving persons as for the most part must otherwise have perished. But the fuller answer will be that if the King had refused all he has given by the Act it would not have come in to answer the present occasions and necessities of the Crown; nor is it like to come in, in any reasonable time, to the advantage of those to whom those bounties are designed. All which had not fallen out, or not in that degree, if those Acts of Parliament which prohibit our trade with England in a great proportion and upon the matter wholly with the English plantations had not been passed." This is part of what may be said to answer objections. "But in case it shall not be held fit to mention Ireland, to persuade an enlargement of supply or a repeal of those Acts as far as Ireland is concerned, yet let not the supply be forgotten, since it will be apparent and unavoidable that, without such repeal or supply, the army must in a great proportion be disbanded or (which I think of the two is worst) unpaid." *Pp.* 1¼. *Signed. Add. Endd. S.P. Ireland* 319, 175.

17 Oct. Charleville. The Earl of Orrery to Secretary Arlington.

I am starting for Dublin where I am informed that "there are several "caballs "[1] a forming or formed to obstruct, if not to cast out, our bill. I am hastening to prevent this mischief which would mean ruin to our kingdom. I have engaged, I think I can say, every member in this province both to be at the Parliament and to vote for the bill. They are a fourth of the House. I have also engaged others, not of this province, to be friends to it; so I hope we shall be able to disappoint their plot. "I have good spies in all their caballs."

I did last Saturday send Mr. Cooper to meet Robin Lye at Glenmalira and to stay with him till they had done their work. Cooper is a most able and honest man. I shall write weekly from Dublin. *Pp.* 1½. (*Hol.*). *Add. Endd. Ibid.* 176.

(1) Note the use of the word before the formation of the Cabal ministry.

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18 Oct. Dublin. ROBERT LEIGH [or LYE] to [JOSEPH WILLIAMSON].

I have just come to town and must apologise for not having answered yours of the 8th and 11th. The latter gave us the first news of "the good and honest proceedings of the Parliament" acknowledging His Majesty's great prudence in the management of the present war and their contributing to the continuance against our enemies of all kinds. God Almighty prosper their good intentions and the overtures with the young King of Spain. Nothing is more pleasing here than news of the good success of the King's affairs. Please therefore send what news you can; and I will send what I can from hence "which at present is, That yesterday about four in the afternoon my Lord Lieutenant made his entry into this city, being met five miles out of the Liberties by all the nobility and gentry on horseback, and by one troop of the bachelors of the town in Drugget suits trimmed with abundance of scarlet ribbon, white scarfs and their coats lined white with silver buttons; the troop of Guards in their buff. Coming into the Liberties the Sheriff met us with several troops compounded of the corporations of the several trades, and, within the gates, the new Lord Mayor (who is at last made one) with his aldermen, &c., on foot, and then the guards of halberdiers under Sir Daniel Treswell, with several foot companies placed all along from the gate to the Castle on both sides of the streets. Three pageons were placed in convenient places, one of which and the great fountay by the way ran with claret wine, where, as we went along to the Castle, several dances were represented and three several speeches made to my Lord Lieutenant. At night many bonfires were made, and a firework fired, all the canons went off several times and so everybody retired, and now the town is getting extreme full of company the Parliament being to meet on the 26th."

I send you a letter of attorney empowering you to give receipts in my name. Keep George Painter to his work and continue to him, for that purpose, the key of my desk. I am the widow's humble servant. Pray tell her so. *Other details.* *P.* 3. (*Hol.*). *Endd.* *S.P. Ireland* 319, 177.

18 Oct. Dublin Castle. SIR GEORGE LANE to [the SAME].

I have just returned from an absence of several weeks on private business and entered Dublin yesterday with his Grace. The Duke and I are grateful for yours of the first from Oxford; and his Grace wishes you to continue to let him hear of what occurs in England. We shall, in return send you all news from here which is worth troubling you or Lord Arlington about. The Primate sends the enclosed to the Bishop of Limerick. *Pp.* 1½. (*Hol.*). *Endd.* *Ibid.* 178.

Same. The SAME to [SECRETARY ARLINGTON].

I have yours of the 23rd of September and shall endeavour to serve you. You will hear from the Lord Lieutenant if anything material occurs. *Loyal expressions.* *Pp.* 3. (*Hol.*). *Add.* *Endd.* *Ibid.* 179.

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18 Oct. Oxford. ENTRY of [SECRETARY ARLINGTON] to the LORD LIEUTENANT.

There is no news since my last except that the Holland fleet which went off of [?] our coast without doing anything is now returned again, and, we hope, by this time in the Downs, whilst the Bishop of Munster entertains himself much to his satisfaction in their country. Mr. Temple is to be resident at Bruzells. Whilst writing, I hear from Lord Conway, Mr. Boyle, and Sir William Petty, that Sir Richard Temple is this morning to bring a bill into the House of Commons to make a total restraint upon the importation of Irish cattle. I advised them to consult the Solicitor-General whether it would be best to give it a contradiction in the beginning, or let it be debated.

P.S.—Recommending Lord Castlehaven in case anything can be found with which to gratify him. *P.* ⅔. *S.P. Ireland* 318, *pp.* 131-2.

20 Oct. Oxford. COPY of CAVEAT in favour of SIR MAURICE BERKELEY.

The King having presented the profit arising from the ferries in Ireland upon Lord Falmouth, and since upon Sir Maurice Berkeley, the city of Dublin claiming those near Dublin, it has been contested between them and I think [there will be] a lawsuit. It is apprehended that the city of Dublin will try to get some grant from the King.

I am commanded by His Royal Highness to desire that no grant of them may pass at least without his knowledge, and that the city of Dublin may be left to their claim at law upon their rights which they pretend to by former grants. *P.* ½. *Endd.:* "Caveat: Sir William Coventry." *S.P. Ireland* 319, 180.

Same. WARRANT under the SIGN MANUAL to the VICE-TREASURER of IRELAND.

There is due to us from John Morgan of the co. Wexford a certain quit rent of £20 3*s.* 4*d.* issuing out of lands in the barony of Shilmaleere [Shelmaliere]. Of these four years' rent are at present in arrear and also half a year's value of the lands payable at the Restoration. These amount in all to £106 odd. Sir Edward Savage and Edward Wyndham represent to us that they have been engaged for several sums of money borrowed for the service of King Charles I., amongst others being the sum of £400 to Sir Anthony Browne, part of which debt the said Wyndham has already paid since the Restoration. You shall cause payment of the sum of £106 odd to be made to them, without, account as of our Royal bounty. It is given towards discharge of the said debt. *P.* 1. *Countersigned by* Secretary Arlington. *Underwritten: Intr.*—F. Pierson. *Endd. S.P. Ireland* 319, 181. *Followed by*—

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PETITION of SAVAGE and WYNDHAM to the KING, showing that:—

Sets out the facts stated in the foregoing as to petitioner's expenditure in the Royal cause and the debt due to the Crown from Neagan.

The petitioners pray that the said sum of £106 odd may be allowed them and that the King will give direction to the Vice-Treasurer accordingly. *P.* ½. *Undated. S.P. Ireland* 319, 182.

21 Oct. Lisb[urne]. SIR GEORGE RAWDON to VISCOUNT CONWAY and KILLULTA.

I hope from your lordship's letters that the lead is now on it's way here. Whenever the trees come we shall be ready for them. I have the late book set forth by the virtuosi of planting and making cyder. I hope we shall plant them in the best way and think that the cyder made here last week will be very good. I have just heard that a bald buck is come into the little park by chance, and I hope will serve does and stay with us. One unfortunate duck was sent me three days since as the first fruits of the decoy. It is near completed and likely to do well, but much cannot be expected this year, the decoy ducks not being able to be taught so soon. The now Lord Massereene has sent us twelve. *Details of building.* The walls must stand as they are till next spring; all the stones about the town are spent with your lordship's and the townsmen's buildings, so we are opening a quarry by the river side betwixt [*sic*] and Lambegg. I shall go to Dublin after my wife's delivery, which we expect every day. The Bishop of Down and Hillsb[orough] family go on Monday. My brother is in great pain with "a siethica" [? sciatica] in all one thigh and leg. I fear it will stay long with him. The Bishop of Down takes it very ill of the Dean his neglect to write to him, and without him [the Bishop] (being his ordinary) such licences of absence are not granted. The Dean of Dromore cannot be found, but I am inquiring of him through his agent in Dublin, and, when I am there shall endeavour to get my Lord of Down's certificate and pass the Dean's licence under the seal. One of the walks is finished, well gravelled and a very noble one. [The co]°rn mill is brought ready for the other middl° next the old wall and the Lower most°. I desire to know your lordship's pleasure [°with regard to] the two tenements in front of the house for [the . . . . . °str]eet is to be levelled and paved from Belfast Gate to this place and before that is done these two tenements of W[illiam Higges]° on and Widow Tailor must either be removed or co[ntinu]°ed during their leases, which will be very inconvenient to this house. If we remove them Mr. Sta[ ]'s doors, which look out to the passage into the gate, shall be shut up, for I have set him half of the next house-room which was William Johnson's to make a great gate to his backside that way. He is to build over it and Nicholson to do the like upon the other half. Your sister has been very thoughtful since we heard

* Document damaged by damp here. The words in square brackets are attempts to supply what has been lost.

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of the sickness being at Cookhill, and we pray for the safety of Ragley. We also hear the sickness is begun at Oxford and that there is an idea, if it continues, to remove the Court and Parliament to Windsor.

Polite messages. My wife has had little rest to-night and I have had to "break off" guests who were coming to dine. Pray direct Garrett to buy two or three barrells of buck wheat at Chester. Some call it French wheat. It is almost as good for feeding decoy ducks as hemp seed, and far cheaper. We could sow some of it in March if we had it. We have now nearly 200 tame ducks here and to feed them with hemp seed will be chargeable. The work is now finished.

°[*P.S.* 23 October.] When I was ready to close this I thought [I should keep it till M]°onday morning, then send it by . . . . ° in the hop]e° that my wife might be delivered of her burden. But it pleases God to defer that [deliverance and to]° suffer her to lie under much pain all this night. [The midwife?]° is with her and now my Lord Bishop of Downe hath been [to see her?]° though he hath also had a very ill night. My Lord I am in "great affliction and apprehensions of her danger, and in great sadness of spirit subscribe myself," &c. *Pp.* 2½. (*Hol.*). *Conway Papers. The postscript dated* "Lisb. at 6 on Monday, morning, 23 October, that unhappy day.[1]) *Add.* as letter of 15 February, *above p.* 538. *Post paid* 6*d.* *S.P. Ireland* 319, 183.

21 Oct. "Doublin"

SIR NICHOLAS ARMOURER to SECRETARY ARLINGTON.

"My der Secritarie,"

I am thus far nearer to you but fear it will be long ere we meet. I am of necessity to be an Irishman this winter. Your letter by Mr. Leigh was welcome. Please let me hear often. Your friends here will remember your health as often as we meet. I am sure our great secretary here has writ you the splendid welcome my Lord Lieutenant received at his entry into this town and "how our new Lord Mayor outdid even Sir John Robingson in all things except in talking of it himself. I have a boundance of poetry. I wish thou hadst it, but its too big for a packett. Captain Pattrick had the honour to gallant my Lady Duchess and her two daughters in law to see the shew in a window the Lady Maiorys [Mayoress] had prepared for them. She and Captain Van Hossell behaved [themselves so no]bly° in the office of a gallant that my Lady Maiorys her own self asked me what French Lord he was, and that he was a very accomplished peere." Lay me at Lord Arlington's feet whenever you think my service will be acceptable. *Pp.* 3. (*Hol.*). *Add.* "This for thyself, my d. Secritarie." *Endd. Ibid.* 184.

° Document damaged by damp here. The words in square brackets are attempts to supply what has been lost.

(1) The day of the outbreak of insurrection in 1641.

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23 Oct. Dublin. The Earl of Orrery to Secretary Arlington.

I arrived here on the 21st and, having slept the night before at Lord Insiquins, came on the day of my arrival through the middle of your estate at Glanmelira. "'Tis without flattery the finest country in the King's dominions. Good pastures, good meadows, brave woods and dry soil, and well watered; so that now I only wish you yourself had seen it and had a noble house upon it. There were several gentlemen which came up hither with me and we were all extremely taken with the estate. If it is as good to set as it is to look upon, you will be please[d] and I too." Mr. Cooper and a gentleman sent by "honest Robin" [Robin Lye] are riding all over it and will soon send an account of the whole.

Parliament is to sit on Thursday and I hope that in six weeks we shall have passed the Bill of Settlement, though endeavours have been to obstruct it. I have shown to the Lord Chancellor of Ireland that part of your letter of the 11th which concerns him. He appreciates your favours and I am sure will try to deserve them. I shall let you know, week by week, what passes here. *Pp.* 2. (*Hol.*). *Add. to* Secretary Arlington at Oxford. *Endd. S.P. Ireland* 319, 185.

25 Oct. [Wednesday.] Lisb[urn]. Sir George Rawdon to Viscount Conway and Killulta.

"I writ to your lordship on Monday last . . . when this family was in sad condition, your sister having been long in labour and reduced to that weakness that there was very little hopes of her life, which loss had made me and our children miserable creatures. She took leave of them and blessed and instructed them all severally, and expressed so great freedom and willingness to the good pleasure of God, and so assured hope of her salvation, that the Lord Bishop and all present with her were deeply touched with the sense of our loss, but her gain, by her change. She did continue thus till about eight on Monday night when it pleased God to give a return of my prayer [and] of many more (the whole town and country about us expressed great heaviness for her) and on the sudden sent help and strength from above." She was delivered of a fine boy, but scarce alive, and died before it was dressed. I am grateful to God for saving her life, and hope I shall never forget it. She is recovering and I hope to be able to go to Dublin in a week or ten days. The term there is adjourned till November 6th which falls out well for me to be in time in the Exchequer. Our Parliament sits to-morrow, but I hope Sir Paul Davies will make my excuse, to whom I have written to that purpose. The Bishop of Down is here ill and gets no rest, and his lady, my cousin Rogers, and his servants remain here, whilst my brother Francis is in great pain from a "syeticall" pain in his thigh and leg. I have yours of the 12th and have asked Major Bolton to move for a writ for the election of a burgess in room of my Lord Chief Justice Smith and to acquaint his lordship with your commands to serve him and return Mr. Johnson. I hope Secretary Page will be provided in another place. Captain Lindon importunes me that he may have

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the place if Mr. Secretary Page had it not, but I shall answer him with your lordship's pre-engagement. I think we shall have two knights to choose for this county in place of the now Lord Massereene and J. Davis. I cannot think of any fit person of the county who is not a member already, and I do not concern myself with the matter.

It is much expected to hear what becomes of the £300 bill. Captain Colvill and his wife were here last week and I have offered him his debt of £600 which he is to send for next week; I having so much provided in hope to buy in some part of the third part I am to lose by our new bill, before which time your lordship's money will come in to repay me. Your directions concerning Piper Hill shall be observed, and it be set only for this year.

I am glad the obstruction is taken off concerning the lead, about which and the timber I have already written. Good timber is so scarce in Dublin, "none coming out of Norway and much building there" that it yields 45*s.* a ton. If it holds I shall in the spring send what we can cut on Tunny Park and the highways to open them to Belfast, and go thence to Dublin and shall, when there, give John Totnall advice how oxen will sell in Dublin. It is no market for beef yet, till grass beef be spent. I address this to Ragley not knowing where you are. I pray for your health and that the Court and Parliament may not be forced out of Oxford, where we hear the infection is begun. Remember me and Ned to the Dean. We want his company. My wife prays for him "and I hope will live to offer up many petitions to the Throne of Grace for you, as shall continually,

Your lordship's most obliged and most humble servant,

GEO. RAWDON."

Pp. 2. (*Hol.*). *Conway Papers. Add. S.P. Ireland* 319, 186.

25 Oct. Dublin. The LORD LIEUTENANT to SECRETARY ARLINGTON.

I understand from Sir Maurice Berkeley that he intends to make proposals to Lord Berkeley for the surrendering of his employment of Lord President of Connaught to him. If they make an agreement of this kind I desire you to ask the King, as from me, to confirm it. Sir Maurice is capable and loyal. *P.* 1. *In* Lane's *hand. Signed. Add. Ibid.* 187.

Same. SAME to SAME.

I have yours of the 18th, which is full of good news to all purposes save that of the relief of our poverty here, "which if I describe feelingly it is not without reason both public and private. For I can argue very sadly from the impossibility I find to receive my own rents from tenants—that have not ill bargains if they had but usual vent for their commodities—how difficult it will be to bring in any sort of the King's revenue, either that already due or

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the subsidies we hope this Parliament, which is to sit to-morrow, will give us." I say no more on this until I transmit an account of our receipts and revenue in present and expectancy. "In the meantime I am not sorry for the bill in Sir Richard Temple's hands, not only because the things he brings in have been observed to have ill-luck, but because it may give a natural opportunity to those that look beyond their own grounds and sheep walks to put the House in mind that Ireland is one of the King's kingdoms and the people are his subjects of whose welfare he is obliged to have some care and to see them used with some reasonable measure of equality; that whilst, for the good of the English trade and manufacture, this people are by an old law inhibited to transport their wool anywhether but into England, which they might send into foreign parts with mighty profit, they are by a new one prohibited to send their live cattle into England, whether they can only send them with advantage. I suppose he must be extremely partial that can think or will say that there is any justice towards this people to continue both these laws upon them," and yet can expect them to support the King's government here? That government cannot be shaken without the shock being felt elsewhere.

I am very hopeful the King will be well satisfied with the choice he has made of Mr. Temple to be his resident at Brussels. "It is like to prove an active part of the world."

I wish "my industry could furnish matter for the King's bounty to my Lord of Castlehaven," but I should only cause disappointment if I undertook it and should be undertaking something "very unsuitable to the first part of this letter."

I wish to move the King that Lord Orrery's son-in-law, Mr. Wingfield, be made Baron of "Porescourt," his predecessor having had the title "and the young gentleman being of much hope." I should also like that Lord Brien, Lord Inchiquin's son, be called by writ to sit in the Lord's house. This is at the instance of the Earl of Orrery whose daughter he is like to marry "and so make a good end of old dissensions." *Pp.* 2½. *In* Lane's *hand. Signed. Endd. S.P. Ireland* 319, 188.

25 Oct. Dublin. The Earl of Orrery to Secretary Arlington.

I have seen your proviso which Robin Lye showed me. It is not so well penned as I could wish and does not express the King's pleasure as declared in Council, I mean only in the difference between your lordship and my Lord Aungier, "for whereas you were to give my Lord Aungier satisfaction for [in] other lands instead of those which he now has in the midst of your estate, the clause is so worded that out of the lands of Glanmelero he shall have that satisfaction; which must be a stronge [strange?] mistake." But I have to-day spoken to Lord Aungier himself about it and told him what the King in Council had determined, however the phrase was worded. I must do him the justice to say that he very frankly told me that if he had satisfaction elsewhere it should content him.

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To-morrow Parliament sits and our bill is brought in. We shall be very busy, but I doubt not that all will go well and you will see our House of Commons carry themselves "like good subjects and like wise and grateful men. Mr. Speaker and I did yesterday morning spend two hours alone and I dare engage he will carry himself fully as he ought in all things." Give my most loyal messages to the King. *Pp.* 2¼. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 189.

26 Oct. Oxford. The KING to the LORD LIEUTENANT for VISCOUNT MASSEREENE.

The town of Antrim was burned to the ground in the late rebellion in Ireland, but is since in good measure re-edified. In order to encourage re-building and to compensate the town for its sufferings we on 28 June, 1665, by letters under our sign manual directed you to pass letters under the Great Seal of Ireland for authorising John, late Viscount Massereene, his heirs, &c., to have six several fairs a year in Antrim with all the usual privileges. Viscount Massereene is dead and did not, as we hear, receive the benefit of our grant. You shall, therefore, pass patents granting John, now Viscount Massereene, the right to hold six such fairs a year on 1 and 2 May, 4 and 5 June, 1 and 2 July, 4 and 5 August, 1 and 2 October, and 4 and 5 November in each year, or on such other days as may appear convenient. *Other provisions follow* identical with those in grant to Viscount Massereene of 28 June, 1665; *for which see above p.* 599. *Pp.* 1½. *S.P. Dom. Signet Office VI. pp.* 100 *and* 100*d*.

28 Oct. Dublin. ROBERT LYE to JOSEPH WILLIAMSON.

Details. Our Parliament met on Thursday 26th, and the House of Lords adjourned for a week. The House of Commons appointed a committee to examine what members were concerned in the late plot and not fit to sit any more. To-day the House was called over to see what vacancies there were, that writs may issue to fill them "I hope with honester men than those that were in before." *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 190.

Same. LORD KINGSTON to SECRETARY ARLINGTON.

I see by your lordship's to my Lord Lieutenant that the English Parliament may probably endeavour to prevent the transport of cattle out of this kingdom into that. "Whether that may prove an advantage to them there is no part of my design to justify or deny, or whether it be for the benefit of this kingdom or not is what the wisest among us cannot resolve, though most think it will force us to a better trade than that of transporting our cattle alive. But, my Lord, this I know, that it will be well for the King's service, perhaps in the Navy as most certainly for the expenses of his

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Household, that some clause be inserted in that bill of prohibition, giving the King leave to permit 10,000 or 20,000 head of oxen yearly, if His Majesty see cause, and double that number of sheep, to be sent hence into England for his special service. This number is so very inconsiderable in respect of those which used to be sent (for I can assure you not less than 200,000 head of cattle, I mean cows and oxen, were certainly sent each year from hence thither) that I know they will not deny so small a matter," and I know it will be important in the King's service. *P.* 1. (*Hol.*). *Add. to* Secretary Arlington at Oxford. *Endd. S.P. Ireland* 319, 191.

28 Oct. Dublin. The Earl of Orrery to Secretary Arlington.

I send you the vote of the House of Commons expressing their detestation of the late plot against this city and expelling from their House such of their members as should be found the least guilty of it. I dare say they are hearty in it.

We have an alarm of a great defect in our bill which I hope may be remedied on the place. If not, we shall be much perplexed. *P.* 1. (*Hol.*). *Add.* "For your lordship." *Endd. Ibid.* 192. *Enclosing*:—

Draft Declaration of the "Knights, Citizens and Burgesses in the Common's House of Parliament assembled."

Whereas "certain wicked persons of fanatick and disloyall principles" . . . . traitorously attempted to raise a rebellion in Ireland and to take the Castle of Dublin on 21 *May*, 1663, "*in order to their carrying on their mischievous contrivances for renewing bloody confusions throughout this kingdom*," *which had only just been laid at rest by the Restoration. We look upon these conspiracies "as the mischievous contrivancies of some fanatic and disloyal persons of desperate fortunes as well as of desperate and destructive principles, who endeavoured to amend their own conditions by the ruin of others or to set up something (if they knew what) suitable to the frenzy of their own humours and imaginations, though at the charge and hazard of others, and at the price of other men's bloods whom they laboured to seduce." The conspiracy was discovered by the blessing of God on the vigilance of the Lord Lieutenant; and certain persons were found guilty thereof and, after fair trial and condemnation "most deservedly executed." One person so executed and several who were involved were members of this House, which we mention with horror, but could not express it before inasmuch as we had no occasion of meeting together. We therefore, on assembling laid other important matters aside and declared and do declare our detestation and abhorrence of "that vile and odious conspiracy" and our sense of the Lord Lieutenant's prudence and services in having timely discovered "that hideous conspiracy."*

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We return thanks to the Duke and assure him of our loyalty; and we shall prosecute any members of the House found to be involved in the conspiracy. That this declaration may be delivered over to posterity we order that it be printed in the Journals of the House. Three copies.[1] *Pp.* 2½. *Endd. Pp.* 3. *Endd. Pp.* 3. *Endd. S.P. Ireland* 319, 192, 1, 2 *and* 3. *The last draft endd. with—*

Order of the House of Commons of 4 *November, for which see* House of Commons Journals [Ireland] II. 662, col. 2, par. 3: "*Whereas several members*" *down to* "*evidence now before them.*" *P.* ½. *In all, pp.* 3½. *S.P. Ireland* 319, 192, 1.

NOVEMBER, 1665.

4 Nov. Dublin. The EARL OF ANGLESEY to SECRETARY ARLINGTON.

We have already made an entry into your business with Lord Aungier and I think I shall be able to bring it to a satisfactory conclusion. Mr. Leigh, I doubt not, will write more largely. *P.* ½. *Signed. Add. Endd. S.P. Ireland* 319, 193.

[4 Nov.][2] The EARL OF ORRERY to the SAME.

The House of Commons have to-day presented to the Lord Lieutenant a "handsome Declaration concerning seven of their members who had a hand in the late base plot, whom they have excluded from their House. I have also to say that on Thursday night, Lord Anglesey, Lord Angier, Dick Talbot, Robin Lye and I met at my house; and that after much debate (in which Lord Anglesey and my Lord Angier were both very obliging to you) they did agree that your lordship should have those lands and that good house my Lord Angier has, that you should reprize him with equivalent lands before Lady Day, 166⅚, or else that he should have his lands again; and that in the meantime he should have a rent charge on those lands and as much more of yours as his now tenant pays him for those lands. We think this fair for you; and, if what certain learned lawyers tell us is true, you will not need to buy him a reprize. Of this you shall hear more.

I have also to say that the Lord Chief Baron here, who is much your servant and desirous to prove himself so, has found in his rolls a commission out of the Chancery granted many years since to inquire *in perpetuam rei memoriam* the true bounds of Lord Glenmelero's estate, and the returns on that commission which, he assures me, will be of great advantage to you. I have told Robin Lye of this and we shall improve it for your benefit.

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(1) Presumably the declaration with which the House attended the Lord Lieutenant at Dublin Castle on 4 November, 1665. *See House of Commons Journals (Ireland) I.* 662 and 663

(2) This letter is distinctly dated "4th of October, 1665," in Lord Orrery's hand; but, from internal evidence, the date is apparently a mistake. *See the House of Commons Journals (Ireland) for* 26 October and 4 November, 1665. On 4 October, 1665, the House was not in Session.

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Sir John Percivall died on Wednesday. Pray tell Sir James Shaen of this if he be at Oxford.

We have begun to read our Bill and "now shall go on roundly with it, but I fear we shall have to send to Oxford a short bill of twelve lines to explain a part of this bill." *Pp.* 2½. *(Hol.). Endd. S.P. Ireland* 319, 194.

6 Nov. Council Chamber. Dublin.

[COPIES of] ORDER of the LORD LIEUTENANT and COUNCIL.

The Judges, calling in the King's learned counsel, shall consider of the within questions and return their opinion thereon with all convenient speed. *Two copies. Each p.* ½. *Overwritten (not autograph) by* the Lord Lieutenant, *and signed (same) by* seventeen Councillors, *and each headed* with the following questions :—

1. Whether all the lands in this kingdom which have been seized or sequestered (and not belonging to innocent Protestants or innocent Papists) are not to be taken to have been seized or sequestered upon account of the rebellion or war within the vesting clauses of the Act of Settlement.

2. Whether the words "upon account of the rebellion or war" in the vesting clauses of the Act of Settlement do relate to all the parts of the vesting clause or only to those parts thereof whereunto the said words are immediately affixed and not to the clauses wherein the same are left out. *Two copies, each p.* 1. *One Endd. Ibid.* 195 *and* 196.

7 Nov.

ENTRY of WARRANT to the LORD CHANCELLOR of ENGLAND.

To affix the Great Seal to a bill entitled an Act for the building of a bridge over the Blackwater at Coppoquin, co. Waterford [1] and to a commission authorising the Lord Lieutenant, &c., to signify the Royal assent thereto. *P.* ¼. *S.P. Dom. Entry Books XXII. p.* 297.

7 Nov. Dublin.

The LORD LIEUTENANT to SECRETARY ARLINGTON.

The great storms have prevented us from hearing from that side since I had yours of 18 October. "I pray God that prove the worst effects of them.'

Sir John Percivall is dead. I recommend two persons to succeed him who well deserve and much need the profits of the office of Register of the Commissioners, two parts of which are fallen to the Crown by Sir John's death. One is Mr. George Phillips, son to Mr. Dudley Phillips, who suffered much by his "constant and remarkable loyalty." The son was also loyal "in oposition to all sorts of rebels and rebellions, amongst the worst of which he was seated." The son is of good parts, and employs them usefully in

(1) *See* 17 and 18 Car. II,, c. 16, in *Statutes of the Realm [Ireland]*.

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the King's service in the House of Commons of which he is a member. The other is Colonel John Geffrys, of whom I hear that his estate in Wales was so encumbered by his loyalty to the Crown that he had to remove hither in hopes to redeem it. The Bishop of Winchester can describe him better than I can. A draft letter goes hence for giving them the place, subject to Sir James Shaen's interest therein. Pray hasten the signature and return it, and stand between my recommendation and any other pretence. *Pp.* 1¾. *Signed. In* Lane's *hand. Add.* "For your lordship." *Endd. S.P. Ireland* 319, 197.

8 Nov. Dublin. The Earl of Orrery to Secretary Arlington.

"A phanatick intelligencer" of mine who gives me news of "the transactions of that wild people," assures me that all their sects had a meeting of their agents at "Leverpool" in England some three weeks ago, and that from thence they sent two of their brethren into Scotland "to revive their party there and to settle a strict correspondence with their Rogy Brethren of that kingdom." He says that at Liverpool the fanatics of Ireland were represented by Lieutenant-Colonel William Moore, whom I disbanded in this kingdom, and one Mr. Blood and Mr. Alden "two notorious villains of this country," and that Lieutenant-Colonel Moore has now been sent by them to Ireland, "who is landed here, and having shaven his head, does now wear a Great Busshy Perawig and is gone into the borders of Munster and from thence is to go unto the Scots of Ulster to incite them unto new rebellions.

I have sent some trusty spies after him, who, I hope, may apprehend him. They have had lately numerous meetings in this city in two places, at the house of Captain Sands, and at the house of one Mr. Price, where they rayle bitterly against His Majesty's authority and particularly against my Lord Lieutenant and myself by name." They promise their party great things after Christmas. Pray inform the King of these matters and of my devotion to him. The Lord Lieutenant has confirmatory news from another hand "with this addition, that Ludlow is coming for Ireland with a sum of money to raise new troubles here." I hope my Lord Letherdale [Lauderdale] will receive instructions to arrest the agents sent to Scotland. I am promised that I shall soon be told their names. Their meeting at Lerpool [Liverpool] was at the house of one Browne. "The Roges here brag at their Conventicles that though much of their plot in England was discovered by the Duke of Albemarle yet the root of it is not found out and that from that root they will revive their hopes." *Pp.* 3. (*Hol.*). *Endd. Ibid.* 198.

10 Nov. Entry of the King to the Lord Lieutenant and Council for the Canary Company.

Recites that the King on 17th March[1] last erected by letters patents a corporation by the name of "the Governor and company

(1) Not in *Calendar of S.P. Dom.* for this date.

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of merchants trading to the Canaria Islands," with certain privileges of regulating and carrying on exclusively the trade with the said Islands. Recites also the proclamation in their favour issued in England on 25 May, 1665.[1] Requires the Lord Lieutenant, when the company transmit to him an exemplification of their charter, to give order for issuing a proclamation there for the due observation of the rights, &c., granted by the King's letters patents to the said Company according to the tenor of the said proclamation. *Pp.* 2½. *S.P. Ireland* 318, *pp.* 132-4.

18 Nov. COPY of ORDERS of the HOUSE of COMMONS [concerning ROBERT SHAPCOTE and others].

For the order *see House of Commons Journals (Ireland) Vol. I., p.* 667, *col.* 1, "Whereas this House was informed" to *p.* 668, *col.* 1 "leave the same with his Grace." *Pp.* 3. *Examined by* Philip Fernely, clerk of Parliament. *Endd. S.P. Ireland* 319, 199.

14 Nov. Oxford. The KING to the LORD LIEUTENANT for GEORGE PHILIPS and JOHN JEFFERYS or GEFFERYES.[2]

Granting them the place of Register to the Commissioners for executing the Act of Explanation in Ireland. It is vacant by the death of Sir John Percivall. One or other of them shall yearly account and pay such of the annual profits of the office to such uses as by the Act is ordered. *P.* ⅔. *S.P. Dom. Signet Office VI. p.* 101. Also note of same. *S.P. Ireland* 318, *p.* 134.

15 Nov. COPY of ORDER of the HOUSE of COMMONS [concerning ROBERT SHAPCOTE and others].

Concerning the arrest of Shapcote and others. For the order *see House of Commons Journals (Ireland) I., p.* 668, *col.* 2, *par.* 3. "Ordered upon question—the censure of this House from the Speaker."[3] *P.* ½. *Endd. S.P. Ireland* 319, 200.

15 Nov. Council Chamber, Dublin. The LORD LIEUTENANT and COUNCIL to SECRETARY ARLINGTON.

Several Dutch prizes were brought into the Irish ports and the Lord Deputy and Council (in the absence of the Lord Lieutenant), finding the expenses necessary for the sick and wounded (both English and Dutch) and Dutch prisoners too great to be satisfied out of the King's certain and casual revenue, by their letters of

(1) *See Calendar of S.P. Dom.*, 1664-5, *p.* 383.
(2) The name is spelt in several different ways, which are reproduced in the text.
(3) Dated as in margin, but inserted in the Journals of the House at 16 November, 1605.

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9 June last, directed to the Vice-Admirals of the several provinces, required that these prizes, if condemned, and any more which should be brought in and condemned, should be inventoried, and after due public notice should be sold with their goods and apparel by the magistrate of the town and Vice-Admiral of the province "unto such as would give most either upon contract or by inch of candle."

It was ordered that the guns, arms and munitions should not be sold till further direction and that the product of the said sale should be paid to the King's Vice-Treasurer, &c. The charges for waiters and cellarage, and, thereafter, those for custody of prisoners, cure of sick, &c., were to be satisfied out of the purchase money, fivepence a day being allowed for every common seaman, and twelve pence for every commissioned officer. If ships should be brought in and not condemned, but their cargoes should be found, by the evidence on oath of two expert witnesses, to be in a perishing condition, such cargoes should be sold as aforesaid and the product deposited in the hands of the Vice-Treasurer, &c., until the property should be made in court to appear to belong either to the King or to the claimer. For the rights and duties of the farmers of the customs, they were to adjust with them or their officers upon sales as merchants use to do, still demanding defalcation according as the goods should be damnified more or less. The English practice in such matters was to be followed. The Deputy and Council further recommended that a separate account should be kept of the proceeds and charges incident to the sale of each ship separately [*other details*] and that at every first bidding a "a competent sum should be advanced above the appraisement and so after every bidding to advance in proportion, and therein to do their utmost to prevent combinations upon any sale, and upon sales by the candle, whosoever at the going out of the candle should bid the highest price above the appraisement he to have the said prize ship and goods delivered to him." The Vice-Admiral, his Deputy, and the magistrate appointed for sale of prizes, were forbidden to buy or acquire any interest whatever in any ship, on pain of forfeiting their posts.

By their letters of 13 October last, addressed to the Vice-Admirals of Ireland, the King's principal Commissioners of prizes in this kingdom asked for a return showing what the Vice-Admirals had done under these instructions, and an account of their receipts and expenses. (*Details.*) Robert Southwell, Esq., Deputy Vice-Admiral of Munster, made two returns, one being an account to 24th August, with regard to three Dutch prizes sold by him "at a public cant at Kinsale," and the other an account of the expenses incurred in connection with the Dutch prisoners between 31 August and 31 October last. Copies of these are herewith [*see below for details*] and Mr. Southwell asks that steps may be taken for the future charge of the prisoners and wounded men. This charge will be about £4 a day, and other such charges may arise during the Dutch war, and the King's revenue here cannot meet them without endangering the payments required by the establishment for the civil and military lists. We therefore ask that you will move the King either to send

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money to meet the cost of these prisoners or to allow us to send them over to some place in England named by His Majesty.

The fees demanded by the surgeons, apothecaries, and officers of the Court of Admiralty concerning these prizes seem to us very high and amount in all to over £283 [*see below for details*]. We have directed Mr. Southwell to keep in his hands a sum to meet these charges, and ask for advice as to the practice in England in such matters. *Pp.* 3½. *Signed by* the Lord Lieutenant, Lord Chancellor and eleven councillors. *Endd. S.P. Ireland* 319, 201. *Enclosing—*

Copy of Account by Robert Southwell, Deputy Vice-Admiral of Munster.

Showing the receipts taken by him for the King at the sale of three Dutch prizes at a public Cant in Kinsale on 24 *August,* 1665 *:—*

1665.	*Received.*	£	*s.*	*d.*
July 12.	*From Robert Cooke, of Youghal, merchant, and partners for the prize ship* Mercurius, *of Flushing, of* 140 *tons with her tackle and furniture sold to him by public Cant in the town hall of Kinsale* - - - -	430	0	0
July 19.	*From Edmund Yeomans, of Kinsale, merchant, and partners for the prize ship, the* White Greyhound, *of Middleborough,* 80 *tons, with her tackle, &c., sold at a public cant in Kinsale on the* 12*th* [sic] *of July* - - - -	260	0	0
July 20.	*From Thomas Gookin, merchant, of Kinsale, and partners for the* Bonaventure, *of Flushing,* 70 *tons, &c., sold to him, &c., in the town hall of Kinsale* - - - -	200	0	0
		890	0	0

Signed Robert Southwell.

	Paid.	£	*s.*	*d.*
	To a messenger from the marshal to me at Killarny giving notice of Captain Bloucable's [? Bloncable's] capture and asking for instructions - - - - - - -	0	5	0
[*April*] 29.	*To a corporal and six men for convoying Captain Bloucable, a lieutenant and* 31 *men of the* Bonaventure *to Cork prison* - -	0	14	0
May 4.	*To a corporal and six men for convoying Cornelius Clement and* 23 *men of the* White Greyhound *as above* - - - - -	0	8	0
May 25.	*Same. Corporal and nine men for taking Antonius Cornelius and* 23 *common men from the* Mercurius *to Cork and* 12 *common men to Bandonbridge* - - - - -	0	11	0
June 26.	*To messenger (Dermot McOwen) who, on foot, carried the news of the sale of the ships, &c., to Cork, Youghal, Waterford and Limerick* -	0	14	0

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		£	s.	d.
July 12.	*To William Swan, of Kinsale, innkeeper, for a dinner to the merchants who came to buy and the appraisers and other persons concerned* - - - - - - - -	3	1	0
,,	*Two serjeants for attending "the day of cant the ships"* - - - - - - -	0	9	0
Aug. 7.	*Thomas Skues, waiter on the* Bonaventure *for seventy seamen's days and nights at* 12*d. a day and night* - - - - - - -	3	17	0
,,	*John Strong, waiter on the* White Greyhound, *for sixty-five of same* - - - - -	3	5	0
,,	*Humphrey Bryant, waiter on the* Murcurius, *of Flushing for* 44 *do.* - - - - -	2	4	0
,,	*Quarters of the Dutch prisoners in Kinsale that remained there from* 21 *April to* 31 *July*, 1665 - - - - - - -	73	2	3
Aug. 31.	*For quarters for seven* [?] *Dutch prisoners from* 31 *July to* 31 *August, out of eighteen such prisoners. One of them is Captain Daniel of the* Mercurius - - - - -	12	10	7
,,	*Paul Meignot, a surgeon for* 56 *days from* 6 *July*, 1665, *at* 5*d. a day* - - - -	1	3	4
,,	*Lieutenant Anthonius Baptist, for himself and* 21 *men imprisoned at Kinsale from* 19 *June to* 31 *August* - - - - - - -	30	10	1
,,	*Two common men for guarding them from* 19 *June to* 31 *July* - - - - - -	1	14	8
,,	*John Pawly from* 31 *July*, 1665, *to* 31 *August*, 1665, *at* 8*d a day for guarding the said prisoners* - - - - - - - - -	1	0	8
,,	*John Gold for rent of part of his house for the prisoners, from* 16 *June to* 16 *September*, 1665 - - - - - - - - -	1	13	4
,,	*Deposited in my hands by order from the Lord Deputy and Council, dated* 29 *July, for John Godsophe, surgeon, from* 22 *April to* 31 *July*, 1665, *at* 10*s. a day for his attendance and cure of the sick and wounded Dutch prisoners*	50	10	0
,,	*More desposited for him for* 31 *days from* 31 *July* - - - - - - - -	15	10	0
,,	*Deposited in my hands by order as aforesaid for satisfaction of the apothecaries' bills for medicaments for the sick and wounded of the Dutch prisoners from* 22 *April to* 31 *July* -	26	18	0
,,	*Due since* 31 *July to* 24 *August to the said apothecaries for the Dutch prisioners as appears by their bill* - - - - - -	6	9	0
,,	*Deposited in my hands as aforesaid for Godsophe or Gadsoph as aforesaid for attending the sick and wounded out of the* Dartmouth *frigate from* 21 *April to* 31 *July*	51	10	0

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		£	s.	d.
Aug. 31.	*Deposited in my hands for John Seely and George Goold, apothecaries, for the sum of their bills of medicines delivered by them from* 21 *April*, 1665, *to* 31 *July following, for the use of the English wounded in the King's service*	41	12	2
,,	*More desposited for the said surgeon for* 31 *days' attendance, from* 31 *July, on the English wounded*	15	10	0
,,	*More for Goold's or Gold's and Seely's bills as above for the English sailors*	5	5	0
,,	*Deposited with me for the demand of the Marshal of the Admiralty according to his account sent to Dublin*	38	14	2
,,	*Deposited for the Judge, Registrar and Proctor of the Court of Admiralty, according to their accounts sent to Dublin, for adjudication of these prizes*	21	15	0
,,	*Deposited for three appraisers of those three prizes, according to the returns of the Sovereigns and Recorders to your lordship's order therein*	10	9	0
,,	*Paid to Captain Bloucable* [? *Bloncable*] (12*d. a day*) *and his lieutenant and thirty men* (5*d. a day*) *who were imprisoned in Cork from* 29 *April to* 31 *August*	87	14	2
,,	*Do. to Cornelius Clement, "steereman," and twenty-three men at* 5*d. a day each from* 4 *May to* 31 *August*	60	0	0
,,	*Do. to Anthonius Cornelius and twenty-three men at same rate from* 25 *May to* 31 *August*	52	7	9
,,	*Do. to Peter Ellinicke de Yong and eleven other prisoners at Bandonbridge at same rate from* 25 *May to* 31 *August*	24	15	0
,,	*To Robert Southwell for poundage of* £890 *at one shilling in the* £1 *for receiving and paying the above sums and for carrying the account*	44	10	0
,,	*Paid to the Marshal at Bandon for care of the persons committed to his charge*	0	10	0
		690	12	9

Total received, £890. *Total paid,* £690 12*s.* 9*d. Remaining in my hands,* £199 7*s.* 3*d.*

Robert Southwell.

Underwritten—Concordat' cum originali. Ex[*aminata*] *per* Ma. Barry.

Pp. 3¼. *Endd. S.P. Ireland* 319, 201, 1.

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2. *The Additional Account of Robert Southwell, Esq., Deputy Vice-Admiral of Munster, for charges, &c., about the Dutch prisoners at Kinsale for two months from* 31 *August to* 31 *October*, 1665.

	£	s.	d.
There remains in my hands of the balance of the last account made up to the last of August, 1665, *and sent up to his Excellency and the Lords of the Council* - - - - - -	199	7	3
Paid—	£	s.	d.
For quarters for the Dutch prisoners at Kinsale, seventeen common men and one captain from 31 *August*, 1665, *to* 3 *October*, 1665 (*at which time the captain and his boy were removed to prison*) ; i.e. *for thirty-three at* 1*s. per day for the captain and* 5*d. a day to each common man*	13	6	9
For quarters for sixteen common men from October 3*rd to October* 16 (*at which time five of those sixteen were removed into prison*) *being thirteen days at* 5*d. a day for each man* -	4	6	8
For eleven common men, 16 *October to* 31 *October—"deducting for two men run away from their quarters" one on the* 7*th and the other on the* 14*th October*, £0 17*s.* 11*d.—there remains* -	2	11	8
To Captain John Daniel Giddo and his boy, who were removed out of Kinsale and sent to prison, from 3 *October to* 31 *October* - - -	1	19	0
To Lieutenant Anthony Baptiste for the five common men removed out of their quarters in Kinsale to prison, from 16*th*—20*th October* -	0	8	4
To same for himself and eighteen men from the last of August, 1665, *to* 20 *October, being fifty days at* 1*s. a day for the lieutenant and* 5*d. for each common man* [*deducting certain sums for two men who broke prison*] - -	20	18	9
Same for himself for 11 *days to* 31 *October* -	0	11	0
To William Constance, steersman, for 21 *common men remaining in prison, some from the* 11*th and some from the* 20*th October to the* 31*st October* - - - - - - -	4	16	3
To John Pawley, the marshal deputy for attending the prisoners at Kinsale, from 31 *August to* 31 *October at* 8*d. a day* - -	2	0	8
To Paul Meignot, chirurgeon, a common prisoner for 61 *days to* 31 *October* - - - -	1	5	5
To John Goold, for rent of part of his house for the Dutch prisoners, from 16 *September to* 16 *December, being a quarter of a year according to agreement* - - - - - -	1	13	4

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		£	s.	d.
Paid—	*To Captain Bluncable [sic] and his lieutenant and thirty common men, prisoners at Cork, from 31 August to 31 October at 2s. a day for the captain and 5d. a day for each man, after deductions for runaways*	42	12	0
,,	*Lieutenant Cornelison and 23 common men, prisoners at Cork, for same period, at 1s. a day for the lieutenant and 5d. for the men*	32	5	7
,,	*Cornelius Clement, steersman, and company of 24 common men, prisoners at Cork for same period*	30	10	0
,,	*Rent to Richard Beare at Cork for the prison house there, taken by Sir Peter Courthopp, Mayor of Cork and myself*	2	10	0
,,	*Peter Ellnich [sic] de Young and twelve common men, prisoners at Bandonbridge, for 61 days to 31 October*	15	5	0
,,	*To the marshal at Bandonbridge for his care of the prisoners there, for one prisoner brought from Clonmel and to Lieutenant Richard Smith, whilst he was there, being thirty days at 5s. a day*	0	12	6
,,	*To the chirurgeon, Mr. John "Godsuffe," for attending the Dutch and English wounded for 61 days*	61	0	0
,,	*To George Goold, the apothecary, for medicaments made up and delivered to Mr. Godsuffe for the Dutch wounded*	4	3	2
,,	*Ditto. do. do. for the English wounded*	2	6	2
	Total	245	13	5
	Less balance in hand from last account	199	7	3
	Due to Southwell to clear	46	6	2

Pp. 3. *Signed, &c., as foregoing. Dated* 24 *October*, 1665. *Endd. S.P. Ireland* 319, 201, 2.[1]

15 Nov. Brief abstract of the last letter of the Lord Lieutenant and Council. *P.* ⅔. *Endd. Ibid.* 202.

Same. The Earl of Orrery to Secretary Arlington.

I have yours of the first. Lord Anglesey was with me when I received it, and I showed him your compliment to him—that he had got your proviso worded otherwise than as the King and Council had dictated that he might increase your obligations to him. He protests to me he had no knowledge of or share in the wording of it. He and I have, however, determined what to do for you in the affair with Lord Aungier and I have told honest Robin Lye of the course which we intend to adopt.

(1) As will be observed, the spellings of the names in this and the last document are inconsistent.

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"On Monday last I was drugging at business from daybreak till eleven at night; but I confess I hardly was ever better pleased with a day's work than with that; though in my younger days I have had mistresses and some times they were not inexorable." In brief I found our judges to whom we had sent two questions in writing about the vesting clause, for answer in writing, differed, but that all of them thought that it ought to be mended. "I found also our best friends in the House of Commons very fearful to pass the Bill, while the vesting clause (the foundation of the work) was at least doubful. I therefore earnestly moved my Lord Lieutenant alone that he would send for the Commissioners and get an undertaking from them that as soon as the Bill was passed they would declare in writing (as required by the Act) their opinion that the vesting clause was good, but that since it had been brought in question before the King's bench and a jury had found it otherwise, that for the satisfaction of the whole kingdom, the Lord Lieutenant and Council would give them directions therein (which, by the Act the Lord Lieutenant and Council are empowered to do)" and that they would observe such directions which, by the Act, are as binding as law. I told his Grace that if this promise were given by him and the Commissioners, I thought that all men's minds would be satisfied, and that the Bill might be ready for the Royal assent by the last of this month. The Lord Lieutenant, after debating my proposal, approved it and the same day sent for the Lord Chancellor, Lord Anglesey, and the Secretary of State. The Commissioners passed to us their assurance and my Lord Lieutenant that promise, undertaking to swear it if desired. "Yesterday morning betimes I got Mr. Speaker and a great many of the chief men of the House of Commons to my chamber where I gave them a full account of all that had passed the day before; with which they were so fully satisfied as that they promised me to go on cheerfully with the Bill," and they hoped to send it to the Lords by this day week. "My heart is now as light as ever it was when I was a successful lover, and I hope your Lordship will be convinced of the greatness of my joy by the similitude. I can truly say I never loved a mistress so well as I loved the King my master, and when I see his affairs prosper I am more pleased than ever I was when my amours succeeded." [*Other loyal expressions.*]

A ship of 300 tons with thirty pieces of ordnance came lately into Waterford by stress of weather. She is called the *John*, of Diep [Dieppe]. The captain says that he and his ship and lading and he himself are French, and that he has lately come from Ginny [Guinea]. But she is stopped and we have found letters in her directed to merchants in Amsterdam and to others of the United Provinces, and there are many Dutch aboard. She is estimated to be worth near £100,000, and I have ordered the judge of the Admiralty of that province to repair to Waterford and "use all lawful ways for the King's service. Our last letters tell us that M. de Baufort has taken and sunk three English merchantmen in the Straights. If this be true and the ship prove French (which yet I do not believe she is) here may be good reprisals. If Dutch, she will be the King's," so that either way I hope the King

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will profit by her being secured. I should like instructions on the matter.

A young lord for whom I have great esteem has, by his father, the Earl of Inchiquin, "proposed with all the civility and frankness imaginable a marriage with my eldest daughter (unmarried)." We have agreed upon all things, and my Lord Lieutenant has approved the match and has, at my humble desire, moved the King that Lord Brien may be called into the House of Lords here, as my Lord Clifford, my Lord Brabson [Brabazon] and my Lord Muskerry have been. Pray hasten the King's letter for Lord Brien.

My eldest daughter is married to one Mr. Wingfield, little nephew to my Lord Powerscourt of King James' creation, who was Marshal here, and a Lord Justice. He left no children, but his property came to my son-in-law. I pray my son in law may have the title too. His father died in the King's service.

I am by no means displeased at your lordship's having a grant of Fitzgeratts [Fitzgerald's] estate. I shall, if you please, send for an acquaintance in Munster, with whom I have good interest, who can give more light in that affair than any man living; and I will swear to serve you heartily therein. *Pp.* 6. (*Hol.*). *Endd. S.P. Ireland* 319, 203.

16 Nov. Dublin. to

You remember some little heats here about February last, about the Commissioners of Claims' proceedings. The King has by his letters of 26th May, pardoned those [who were responsible]. The House having resolved to express its duty and acknowledgements to the King through the Lord Lieutenant's hand, in right to the loyalty of the House we give you the resolution in their own words. *P.* ½. *Ibid.* 204.

Same. The Lord Lieutenant to Secretary Arlington.

I have your lordship's letters of October 25 and November 1 and 8. It is well that this kingdom is at all events reprieved from the ruin of the passing of that bill; and it is to be hoped that before the next meeting some of the reasons offered and to be offered against it may take place with the Lords for laying it wholly aside, "that so the King may be freed from the necessity of refusing the Royal assent or of endangering the utter beggery of a whole nation not yet established in their properties nor, as I have cause to doubt, totally reclaimed from their former ways."

The House is, after some time, about to bring to a close its debates on the question of those of its members who were implicated in the plot of 1663; and will now, I hope, fall to a second reading of our great Bill. I think it will pass the House as I have given the assurance that the Commissioners will resolve to their satisfaction the doubt which you will find enclosed. We have said the Bill will not be sent back again for amendment and this has decided

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some who, if there were to be a return of it, would wait, hoping that in its new form it might benefit them more than it does in its present.

"If we dared be as bold with our King as Overizill is with the States I doubt not we should cry as loud for peace as they do, though we have no fighting Bishop in our bowels." I hope we shall soon have peace. "That which most checques my hopes of the Bishop of Munster's progress or at least his making good what he has gained in the spring is that I hear of no other Prince joined with him and that we must account upon some that will join the French against him." I shall consider what can be done here in the way of raising men; but it must be known what is to be understood by raising. If it be only to bring them, under a fitting proportion of officers to their numbers, to the seaside the computation is easy and the charge will, I doubt, be modest. If, on the other hand, it means support till the time of embarkation, and embarkation itself—that is the hiring of vessels and the incidents of a long voyage, it will take more time to consider "tho' even all that will I think be done better cheape from hence than from any other part of the King's dominions" provide the King send a sufficient convoy of his fleet. "And surely, if His Majesty shall find himself obliged to send any succour of men to that war, none of his subjects can be so proper for it, or so much to be relied on in that quarrel, as the Irish. If this design shall be further thought of I will undertake to raise as many good men for that purpose as, for new men, the world affords." I will also undertake to feed them as well as they can be fed if raised elsewhere at a sum one fourth less than the cost elsewhere, provided I have timely notice and means to make the provisions.

P.S.—I send draft of a letter for the Earl of Roscommon and recommend it for the King's signature. *Pp.* 2¾, *in* Lane's *hand. Signed. Add.*: "For you lo^p." *Endd. S.P. Ireland* 319, 205.

18 Nov.
Dublin.

The Lord Lieutenant to Secretary Arlington.

The ship which is stayed at Waterford is of value and "with a little countenance to the Admiralty may be made prize, for they know their business here as well as in England the Mother Admiralty does theirs." You will probably soon receive protests from France in regard to the detention, some of the ship's company being gone for France. No application from the ship or owners has yet been made to me or the Council, so that we may plead ignorance of the injury, if I shall prove so, "and the King has in his hands wherewith to satisfy the hurt done by M. de Baufort if it shall be thought seasonable to do it." *P.* 1. *In* Lane's *hand. Signed. Add. Endd. Ibid.* 206.

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18 Nov. Dublin. The Earl of Orrery to Secretary Arlington.

I hear from my Lord Lieutenant that the King is pleased that Mr. Wingfield be created Viscount Powerscourt, and that Lord Bryen be called by writ to the House of Lords. Lord Bryen should be called by the title, "Lord O'Bryen, Barron of Burren." Dick Talbot is here and sends enclosed. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 207.

Same. Lord Kingston to the Same.

Thanks Lord Arlington for his kindness, which fills him with "a pleasing sort of pride and glory." Hopes to show his gratitude otherwise than by words and asks to be allowed to do him some service in Ireland. *P.* ¾. *A subservient letter.* (*Hol.*). *With Seal. Add. Endd. Ibid.* 208.

23 Nov. Dublin. The Earl of Orrery to the Same.

We have had some "brigues" here, after we thought all difficulties had been over, not to cast out our new bill—for that they had not the confidence to attempt, knowing they had not power to perform it—but to get the bill committed, and so to prevent the making of it a law. Mr. Speaker and several members of the House were with me yesterday morning about it, and, after much discourse on the subject, I sent them away so fully satisfied that they promised they would order the bill to be engrossed without committing it. This they did and I hope the bill will be sent up in a few days to the House of Lords. There it will not long rest till it has the Royal assent.

The hopes which I expressed of being able to deal with Lord Aungier have now been turned to certainties; for we have agreed and by the consent of all parties that, instead of a reprize and of paying for a very good house on the land and for clearing the lease my Lord Aungier had granted of it, and for all the timber wood which grows on the land, which, my Lord Aungier protested, was worth little less than £1,000, you should pay in one year £1,200 to his lordship "and interest of Ireland till the money be paid, and so your lordship entirely to have his lands." Dick Talbot and Robin Lye were very pleased with this and I think it would not be amiss for your lordship to write to Lords Anglesey and Aungier taking notice of their respects and civilities to you in this agreement. *Pp.* 2½. (*Hol.*). *Add. to* Secretary Arlington at Oxford. *Endd. Ibid.* 209.

24 Nov. Oxford. The King to the Lord Lieutenant for Colonel Daniel O'Brien and others.

We are informed that Joshua Fenwick, of Clanmore, co. Carlow, and Abraham Van Hougarden, of Clare, merchant, lately died in

Ireland, possessed of goods and chattels which none can claim but subjects of the United Provinces and such as are now actually inhabitant therein. The Archbishop of Armagh has sequestered their goods into the hands of Cary Dillon, Esq., and Sir Peter Pett, our Advocate-General in causes ecclesiastical, maritime and foreign in Ireland, to the end that our right in the said goods, of whatever nature, may be preserved. You shall take the necessary steps for granting all such goods in Ireland as were bequeathed by Fenwick or Van Hougarden to any subjects of the United Provinces, or which could only be claimed by some subjects of those provinces who was akin to the deceased, or which did *re verâ* belong to such subjects at the time of the death of the deceased, to Daniel O'Brien, Cary Dillon and Edward Progers, Esq., and to Sir Peter Pett, Kt., and their heirs, &c. Beneficial clauses to be inserted for making this grant effectual. *P.* ½. *S.P. Dom. Signet Office VI. pp.* 101 *and* 101*d.*

Also note of same. *Six lines. S.P. Ireland* 318, *p.* 134.

Also draft of same. *Pp.* 1½. Dated — 17 Car. II. *Endd. S.P. Ireland* 319, 210.

29 Nov. Dublin. The Earl of Anglesey to Joseph Williamson.

My wife desires me to thank you for your services, which I gladly do. I shall try to make you a suitable return. Please send this packet to her, and, if one of her servants does not call for it, pray send it to Blechington by an express messenger. *P.* 1. (*Hol.*). *Add. to* Williamson at Oxford. *Endd. Ibid.* 211.

Same. Colonel Dick Talbot to [the Same].

I am obliged for all the trouble you have taken and send you a letter to be signed by the King, on which I have written to Lord Arlington. Please use your influence to get it signed and return it speedily. It will be of use to the gentleman my kinsman, who has all along served the King in "very eminently and in a great quality," and who has the Lord Lieutenant's recommendation.

As soon as the business is done (which this letter will hasten). I shall get you 100 pieces by it in land or money, to begin your Irish estate with. I hope we shall in time make it a good one. *Details.* Pray get Lord Arlington to think of proposals I sent for getting some men here restored to their estates. I proposed four people to him, but if he get three of them restored, vizt., John Cheevers of Masetown [Meadstown],[1] Talbot, of Robertstown, and John Baath, of Rafeigh [Rathfeigh, co. Meath], it will be sufficient.

P.S.—Pray let no word in the letter be changed, for all is duly expressed in it. *Pp.* 2¾ (*small*). (*Hol.*). *Endd. Ibid.* 212.

Copy of Order of the Privy Council.

29 Nov. At Court at Oxford. Present:—The King.

The Duke of York and Prince Rupert, the Lord Chancellor and thirteen other councillors (*named*).

(1) The modern name, sent me by Mr. W. H. G. Flood.

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A letter of his Grace the Lord Lieutenant dated 15 November[1] was read, in which the expenses incurred in connection with the Dutch prisoners are described. It was ordered (His Majesty being present in Council) that Lord Arlington answer desiring his Grace to see Mr. Southwell reimbursed, but not to send any of the prisoners over to England, in view of the hope that the future success of prizes will far exceed all the charges of the war, and that, if not, money will be sent from hence, and that if any ships be brought in in Ireland with naval provisions these be not sold, but preserved for the King's service. If it shall happen that such provisions shall not prove prize, as belonging to the States in amity with the King, yet the same are to be stopped and the King's chief officers and commissioners of the Navy are to be acquainted therewith so that the proprietors may be paid for them at the market price. *Pp.* 2. *Signed by* Richard Browne. *Endd. S.P. Ireland* 319, 213.

Also note or abstract of same, adding:—

That enquiry be made by Sir William Coventry concerning the fees due to the Admiralty officers and surgeons, &c. *Pp.* 2. *Signed by* Richard Browne. *Endd. Ibid.* 214.

29 Nov. Dublin. [Robert Lye or Leigh] to Secretary Williamson.

I am obliged to you for sending me the news. The Act of Settlement was engrossed five days ago and "it was put to the House whether it should be read the third time immediately or no; and it was carried it should not, but that the matter being of so great weight the House should have two or three days to pause on it, in which time the business of the Knight of Kerry and McHill and some other hard cases (as they are represented) so possessed the members that they were strangely altered in their opinions and strong factions made against passing the bill" relying on the cases of the Knight of Kerry and McHill. McHill is a Protestant and the Knight a Roman Catholic. Those who oppose also object to a certain clause therein which cuts a third part of all grants except some persons therein named, which are the chiefest grants, so that the weight of it falls only on half-a-dozen who, since the late bill, purchased their estates and have since got them confirmed by patents for better security.

My Lady Duchess of Ormond went three days ago to "keep at Chapel Izat" [Chapelizod], as Dublin never agrees with her. My Lord of Orrery has a bad attack of gout and keeps indoors. The House of Lords has nothing of importance to do till the Bill pass the Commons. It was read a third time to-day in that House, but they do not yet dare put it to the vote whether it pass or not, "there are such violent heaths in the House under the pretence of the aforesaid usage of the Knight of Kerry, &c., for a great many say plainly that the King must needs have been surprised in it and that Captain McHill was put in by the Solicitor there, but

(1) *See* that date *above p.* 663-5.

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they dare venture their lives he can show neither warrant nor other authority of the King's for so doing, nor anything else but his partiality to my Lord Conway, who hath some pretention to some of McHill's estate." But do not let this be said as from me as "I can scarce believe such dishonesty can be in a man of his reputation."

Whoever got them in must have done so out of design to frustrate the passing of the bill and so disturb the settlement. The Lord Lieutenant disclaims all share in it. I hope, however, to be able to tell you in my next that all is well and the bill "past the pikes." *Pp.* 4. (*Hol.*). *Small. Signed* R. L. *Endd.* Mr. Leigh. *S.P. Ireland* 319, 215.

29 Nov. Dublin. The Earl of Orrery to [Secretary Arlington].

My Lord Roscommon, who is my nephew and my most particular friend, came to me in the greatest trouble to-day, saying that he had heard a whisper was spread that on Monday last he had, in a long speech in the House of Lords, said that Lord Glanmelira might be restored to his estate. He is sure that those who have invented this report here will not want the artifice to spread it at Court, to prejudice him with your lordship. He assures me he did nothing of the kind, but suggested that he might be recommended by the House of Lords (of which he is a member and sitting) to the Lord Lieutenant to mediate with the King that he might have some support from the King's bounty during his own and his son's life. I assured him I would write this to you at once and asked him to give me in writing what he had said. He has a good memory and this morning brings me the enclosed which, he thinks, gives the very words which he used. I send it, for I can own none of my friends who are not heartily your servants. *Pp.* 2. (*Hol.*). *Add.* "For your Lordship." *Endd. S.P. Ireland* 319, 216. *Enclosing—*

The Earl of Roscommon's speech in the House of Lords in favour of Lord Glanmalira.

"*My Lords,*

It is hard to find better arguments to persuade your lordships to grant this petition than those you have heard read, and impossible to speak more feelingly for it than it does for itself. Only give me leave to tell you that you never had a fairer opportunity to show the care you take of your own members, and that you never will hear a subject more worthy of your concern. You have now before you the case of the only peer that hath the honour to sit in this House and that is not in some manner provided for, and an honourable family reduced to great streights and the prospect of a sadder extremity. There never was any outlawry or so much as an indictment either against this Lord or his son; and all the English neighbours own that he was their protector, that he relieved their wants, that he sheltered them from persecution, that he saved their lives and did all the good offices that could be done by one that had not more interest and intimacy with the Irish. When he was tried for his life, the corruptest instruments that ever served the

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ends of tyranny and usurpation could not find a pretence to take it away. The present Commissioners have declared Mr. Dempsey innocent for as much as he claimed and had done so for all the rest, if he had not been overruled by the advice of an eminent lawyer (the fatally mistaken therein) that assured him he was safe though without a decree. But I beseech you what can I plead more strongly for my Lord Glan-[malira] than the modesty of his desires, who sues not for the great fortune he once enjoyed, or any part of it, but only desires a competent subsistence for the sad relics of his sinking family out of what the King shall think fit. It would be too hard to deny bread to one that supplied so many that wanted it with his." I hope your Lordships will appoint some of your number to attend the Lord Lieutenant and represent Lord Glanmalira's case to him. I have no doubt he will powerfully intercede with the King, "who since he has showed so much mercy to the guilty cannot but have reserved some pity for the unfortunate." Those who have left so great an estate to the Crown recommend themselves to the noble nature (I had almost said to the justice) of the Crown, which cannot leave their posterity to beg. "I am confident, and have good ground to be so, that the noble person for whom the King designs his interest will be my lord's friend. He being well used, others will be encouraged to make the like settlements. Your lordships will receive the rewards of your charity and they a comfortable livelihood till they shall bless the King and die, and, when breathing their last, they shall leave him their thanks and their prayers. There is no doubt but the estate will thrive the better for that company and their dying accents entail a blessing upon his person perhaps more considerable than the addition their ancestors have made to his revenue." P. ¾. Endd. as in heading. S.P. Ireland 319, 216, 1.

29 Nov. Oxford. The KING to the COMMISSIONERS under the ACT of EXPLANATION for WENTWORTH, EARL OF ROSCOMMON.

The Earl petitions showing that he has bought several deficient adventures and reprisals, and further that there is a quantity of surplus lands in the barony of Deece, co. Meath, lying within the adventurers' security, which has not been allotted or set forth to adventurers, and is near the ancient estate of the Earl in that county, and he asks that such land may be set forth to him for satisfying of the aforesaid deficient adventures. We authorise you to receive from the Earl so many deficient adventures or reprisals as shall be equivalent to the surplus land forfeited in the barony aforesaid, and to settle and secure that land to him and his heirs, &c., at the adventurers' rates. *P.* ¾. *S.P. Dom. Signet Office VI. pp.* 101*d*, 102.

29 Nov. Dublin. The LORD LIEUTENANT to the EARL OF CASTLEHAVEN.

"My Lord,

According to your laudable custom you begin at the wrong end of your business. You write yourself and get the Duke to write for £5,000 for you by virtue of some direction from the

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King, which I have not, unless you mean a clause in a letter from Lord Arlington, which is not warrant for the payment of money if we had it." A letter in due form signed by the King must be had first. "I do not tell you this to the end you should expect that if you had such a letter it would either produce you ready money or present credit." If, however, I had such a letter by me, it would not be burdensome to me or hurt you; and it is possible in some time something might be had. If not, not much labour would be lost. We are here informed of "your designed expedition to the Dutch war. If there be anything real in it, this is the time of preparation, and if anything be expected hence, you will find me not the least diligent for your concernment. *Pp.* 1½. (*Hol.*). *Endd.*: "Lord Lieutenant to Earl Castlehaven." *S.P. Ireland* 319, 217.

PETITION[1] to the KING of PHILIP CARPENTER, the King's chief sergeant-at-arms in Ireland, showing that:—

Dudley Mainwaring, Esq., late constable of His Majesty's castle of Dublin in the year 1663, by the allowance of the Lord Lieutenant, made over to the petitioner for good consideration his office of constable. His Grace, finding it inconvenient to keep prisoners in the castle, gave the petitioner order by warrant to agree for Proudfoot's castle upon the key of Dublin to make the same a prison to keep prisoners in, instead of the Castle. Petitioner arranged this matter with one Francis Sleigh, who held the same of one Richard Barry. He prepared the place and put prisoners therein.

Sleigh, by reason of a difference between himself and Barry, did not perfect the lease which entitled the King. No rent has as yet been paid for the castle, nor has the petitioner been reimbursed for what he spent in preparing it.

Petitioner is therefore out of his money (about £120) ever since 1663 and is also in danger of being sued for the rent of the castle.

He prays for an order to the Lord Lieutenant to reimburse him such sums as he can prove that he has laid out on the necessary repair of the castle; and that he may be indemnified against all damage he may suffer by reason of his carrying out the King's orders. *P.* ¾. *Endd. S.P. Ireland* 319, 218.

30 Nov. Oxford

The KING to the LORD LIEUTENANT for PHILIP CARPENTER.

By letters to us dated 10 February, 1663 [1664], you, the Lord Lieutenant and Council, informed us that the perquisites, &c., accruing to the post of Sergeant-at-Arms in Ireland arose by warrants issued by our Chief Governors there in causes depending at our Council table between party and party. These afforded them ample support in addition to only twenty marks a year from the Exchequer. Such warrants and proceedings at the Council

[1] Placed with next for convenience.

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Board are not now in use as formerly, so that these officers cannot maintain themselves as our service and their attendance require. They have asked for the allowance of 5*s.* 6*d.* a day given to our Sergeants-at-Arms here (whose attendance is rarely above a quarter in a year).

You shall place Philip Carpenter, Chief Sergeant-at-Arms there on our establishment for that sum, and do the same for our second Sergeant-at-Arms there. You shall give them grants by patents of these offices, and of privileges, &c., like those held by the sergeants in England. We suppose you will judge this reasonable that we should thus reward Carpenter for his loyalty and sufferings. *Pp.* 1¼. *S.P. Dom. Signet Office VI. pp.* 102*d and* 103.

Also note of same. *Three lines. S.P. Ireland* 318, *p.* 135.

Nov. NOTE on the matter of Admiralty fees.

Lord Arlington to tell the Lord Lieutenant that the fees for the Admiralty and for the Marshal in Mr. Southwell's account[1] are not much different from the payments and allowance here.

That Mr. Barker write to one of the Commissioners of the sick and wounded men, to know what allowance apothecaries and surgeons have by the day, and to inform the Lord Lieutenant. *P.* 1. *Overwritten* Sir Robert Southwell, November, 1665, Oxford. *Ibid.* 219.

DECEMBER, 1665.

2 Dec. The EARL OF ORRERY to [SECRETARY ARLINGTON].

This morning one of my truest intelligencers amongst the fanatics "very artificially got me alone" and then told me he was come to inform me of a very important business which if well managed might "for ever break the neck of the phannaticks." He would not, however, let me know of it till I had promised to tell no man of it but the King. He would not let me tell your lordship, saying it would be enough for you to know it from the King, and would not let me tell the Duke of Ormond, saying 'that there was nothing so closely whispered in the Castle of Dublin (for those were his own words), but his brethren knew of it.' I passed my vow to him and he gave me the intelligence which I now send by your hands to the King. My informant says the news is true and, if carefully improved, will be of great value to the King. He assures me, too, that that party was never so high as now they are in their hopes. They say to their friends that the French and Dutch will do so much work abroad that they will have a fair game to play at home.

We had an unhappy word spoken here yesterday in the House of Commons by one of the Commissioners which has exceedingly alarmed all our friends as to the passing of the Bill, though it were spoken with good intent.

(1) *See above, p.* 665, *et seq.* Southwell was knighted 21 December, 1665.

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P.S.—Details. Unless you can prevail with the King to write such a letter as Dick Talbot has suggested to the Lord Lieutenant and Council, I fear that Sir Robert Talbot will hardly get his old estate. I beg your favour in it and to get the King to say, in the close, that he writes it all with his own hand to show how much he desires that it should be effectually done. *Pp.* 1¾. (*Hol.*). *Endd. S.P. Ireland* 319, 220.

2 Dec. [Robert Lye or Leigh] to Joseph Williamson.

There is no news since my last, except that "the new *Oxon Gazette* takes extremely both for the exactness and method." Nothing is determined in the House of Commons about our great Bill except that it requires amendments; but how to remedy it they cannot tell though they have spent to-day and yesterday at it and they are to meet again on next Monday. They are very loth to pass it without amendments and will not cast it out. "Their chief objections are the unfirmness of the vesting clause, the greatness of the sums of money to be levied, the taking away of the Knight of Kerry's and McHill's estates," and some cases of individual hardship. *Pp.* 1¾. (*Hol.*). *Signed* R. L. *Add. Endd.* "Mr. Leigh." *Ibid.* 221.

4 Dec. Memorandum entitled Mr. Archer's Information.

My Lord,

Since I saw you I have had conversation with a certain person who at first imposed on me silence, that is to say the oath of secrecy. The subject of our conversation was as follows:—

He commenced with a long harangue on the misfortunes of the Irish nobility, and on the fact that, in spite of all injustice which they have suffered they have not had recourse to a remedy which is easy enough. "Sir," said I, "how could that be done?" He asked me whether the King of France had not made a fair enough offer to some of our gentry, and if they had not refused it. I replied that I knew the fact well, having been in Paris at the time. But, nevertheless, I was [in fact] in ignorance of it.

He asked me further, as I knew about the matter, whether the King of France had not made a very good offer. I said "Yes," but I wanted much to know to whom that offer had been made. I therefore began to say to him, "Perhaps, Sir, you understand the matter in one sense, and I in another." He answered, "Sir, I know of no details but by hearsay and except that the offer was made to some Irish officers in Flanders." I said, "Sir, we are quits [*nous sommes a deux du jeux*]. Are these the same [offers]? Does it seem to you," I went on, "that we shall have war with England?" He answered, "Sir, I assure you that that is a matter of chance [*casuele*]; and besides it is dangerous for the King of France to declare war upon the King of England, for the latter King will certainly have upon his side the Kings of Portugal and Spain, the Emperor, the Prince of Munster and

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all their allies. What is more, that we have proof [*que nous avons preuve*, probably "what proof have we?"] that the King of Sweden will not turn round on us to join the King of England against us. The King of France will therefore find himself between so many fires, having no help but Savoy and the thirteen Swiss cantons."

"It is thought, however" he said "that the King of England cannot furnish money to the Prince of Munster, and that in that way the Prince will be compelled to make peace with the Dutch. In consequence the King will lose the friendship of the German princes. If, on the other hand, the King of England should be able to furnish that Prince with subsidies, he is in a very good position if only he can keep the English in control, for he has many enemies amongst them. Scotland is like a crouching dog, and it is to be feared for the King if they find it suits them to be first to begin the quarrel."

Whilst thus speaking my informant was called away. I at once sought out Colonel Cusak and after having for some time played cautiously upon him, I at last struck home [*après lui avoir donné mit bricole à la fin je lui ai touché sur la grose corde*] to see if he could explain what I had just heard. He said "As you know about the matter have you not ascertained that we refused to listen to any proposals made to us by the King of France." "No, Sir," I said, "You acted honourably." In the end he frankly avowed to me that he and others in Flanders had had offers made to them, and he will be ready to give you more particulars at your leisure. There is no danger in speaking to him about it.

P.S.—To remind me to say a word in passing of Colonel Mortagh O'Brien. *Pp.* 1½. *In indifferent French. Signed by* Archer. *Endd. as in heading. S.P. Ireland* 319, 222.

[4 Dec.] MEMORANDUM similar to the foregoing.

My Lord,

If the King wishes to withdraw from France the Chevalier D'Arcy and the other Irishmen bearing arms, the following is the best way to do it, with the consequences in case of a rupture between the two Crowns of England and France. In order to avoid all difficulties it is necessary to begin early.

After the King shall have treated with the Spanish Ambassador I shall leave for Dover and shall go thence by Ostend, Lisle or Cambrai to Paris, or get D'Arcy to meet me at Amiens, Peronne or St. Quentin. I shall tell him of the King's wish and give him instructions to cause the soldiers to move unperceivedly towards the frontier places named by the Court of Brussels for their reception and where they can be kept as Spanish troops till the King needs them for his service.

When once M. D'Arcy and the troops are out of French service and the trick I am playing [France] is recognised, the whole Irish nation will say that they are out of their mother's womb. They will never re-enter it. Thereafter no Irishman will have access to the Court of France and if the French should have any design on Ireland it will be frustrated.

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Moreover, the King will not cease to have fine troops whenever he wants them.

I think that three or four good fellows should be engaged in this design and be made captains. I shall name these whenever it pleases you. They should be sent away from here as malcontents. Those of whom I speak I have long known as men of honour and ability.

The Court of Brussels must order all the governors and officers of the frontier towns to receive the soldiers as they appear before them and help them on to the appointed place of meeting where they are to get their lodging and journey money.

Moreover, if the King think it useful for his service to increase the aforesaid troops to considerable numbers, His Majesty may allow some trusted person to treat secretly with the Spanish ambassador to raise some regiments in Ireland for transit to Flanders where they can all be kept as Spanish troops, and as soon as the King finds it convenient he can direct them to march all together wherever he wishes. M. Cusak is the only man to levy these troops.

Having this corps formed, our monarch will be the astonishment of Europe and the terror of his enemies, at home and abroad, on seas and on land. He will be credited with the power of raising an army of 50,000 men like those aforesaid. The King will be able to keep a curb [*de mettre le Cavanson sur le nez*] upon all those who would disturb the peace of his kingdom. *The memorandum closes* with professions of the writer's loyalty. *Pp.* 1¾. *In indifferent French. Signed. Endd.:* Information of Mr. Ar[cher]. *S.P. Ireland* 319, 223.

6 Dec. Dublin. The Earl of Orrery to Secretary Arlington.

We thought that we had so well satisfied the majority of the House of Commons here as to the power of the Lord Lieutenant and Council and the Commissioners to make good any defect which might exist in the vesting clause of the Act of Settlement that, before now, the Bill would have been engrossed and sent up to the House of Lords. "But yesterday Mr. Richard Jones, Lord Ranelagh's son, in a set and studied harangue did arraign the whole Bill very fiercely and charged it with essential defects as to the general settlement and many hardships as to particular interests. He said, first the vesting clause was defective, which is the foundation of all; secondly that there was no provision to secure the two-thirds to the heirs and assigns of adventurers and soldiers, but only gave them estates in the said two-thirds for life and no more; thirdly it confirmed patents in general which might give to the grantees by retail what the bill would seem to give to the adventurers and soldiers in gross; fourth the estates of all who were Protestants in 1641 are secured to them, whereby many whose estates are given out to adventurers and soldiers will revert to the former proprietors [*sic*] who were then Protestants, but ever since Papists, and for many years actually engaged in the rebellion; fifth that my Lord Clanricard's arrears were granted to him, who was a Papist

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and that grant did not only much lessen the '49 security but was also of dangerous precedent; sixth the King's grant of the forfeited houses in Youghal to my brother Burlington, of the forfeited houses in Wexford to my Lord Anglesey, of several forfeited houses in Limerick to my Lord Roscommon and me, all at eight years' purchase as the same should be valued *bona fide*, were great prejudices also to the same security."

He made these and other "wild objections" to the Bill; and proposed to apply for a suspension of Poynings' Act so that the House could propose a bill which would secure to all men their estates. This was seconded "by some birds of the same feather," who have raised "such fears in many and gives such a pretence to others to be against the Bill as I doubt we shall find it no easy task to remove their suspicions; however I will do my duty.

In the meantime many robberies are committed in divers parts of the Kingdom; in so much that several parties, some of forty, some of fifty horse in the open day appear and do their villainies, and that which makes this the more dangerous is they seize on all good horses they can make themselves masters of." *Pp.* 2½. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 224.

6 Dec. Dublin. ROBERT LEIGH or LYE to JOSEPH WILLIAMSON.

The *Oxford Gazette* is very welcome.

The House of Commons continues to make objections to the Bill —the preference given to Lord Orrery to place his '49 arrears on the city of Limerick, &c. A suggestion has been made to suspend Poynings' law. This day is the fasting against the plague; but we are, thank God, very free of disease. Yet to-day we buried a very honest man, Captain Aldersey, of the Lord Lieutenant's "yack" [yacht], who died of fever. Colonel Richard Talbot is in a day or two going to Rosse to look after the ship that was cast in there by stress of weather. She is likely to be adjudged prize and so fall to the Duke of York as a perquisite of the Admiral's. A ship has lately run ashore in the co. Mayo. She is richly laden and supposed to be a Dutchman. "She had 100 men on board and 60 of them are come on shore and have been so several days endeavouring to patch her up and get her away; for it seems the place is so very thinly peopled that the country people durst not venture to secure her." But I hope that before you get this she is made safe enough by order from hence.

Pray order your servant to pay Mr. Mathew Bellew, of the Life Guard, £5 when he waits upon you with my note. *Details* of payments of small debts follow. *Pp.* 2. (*Hol.*). *Add. Endd. Ibid.* 225.

9 Dec. Dublin. The EARL OF ORRERY to SECRETARY ARLINGTON.

Refers to his letter of the 2nd and to his enclosure in it, and to the vow of secrecy therein mentioned. Sends a second letter which

tells what the enclosure did and something more. Is sending intelligencers to Oxford who may be useful in the present juncture. Has, since the 2nd, obtained leave to speak to the Lord Lieutenant on the matter mentioned on that date and has done so. *Pp.* 1¾. (*Hol.*). *Endd. S.P. Ireland* 319, 226.

9 Dec. Dublin. The Earl of Orrery to Secretary Arlington.

I have told you already of our difficulties about passing the Bill. "Finding the King's service and the settlement of this his kingdom was at stake, I thought it was fit to bestir ourselves roundly" and to use all our interest to pass it. I got next morning to my chamber a room full of those who I had some power over. "I enjoined them to tell me without reserve all things they stuck at, which they very frankly did"; and, as far as I could, I answered all their objections. I then "fell so warmly on them" that they all promised me to vote for the bill and to use their influence to get votes for it. The Lord Lieutenant and Commissioners have done all they can to give satisfaction to the House on the disputed points, and yesterday the House voted unanimously to send an address to the Lord Lieutenant setting forth their principal apprehensions and desiring that the Lord Lieutenant and Council would use the power given them by the legislative clause to rectify the defects which they think vital in the bill, and the Lord Lieutenant will assure them of it. Last night Mr. Speaker "who has been a hearty friend to the bill," was with me and said he found the House much altered now in their temper, and hoped to carry up the Bill to the Lords on Thursday. It will not lie there, I think, seven days.

I should like to hear you have mine of the 2nd and "admire" that when you wrote on November 28, you had not got my account of the good agreement I had made with Lord Aungier on your behalf. You are to pay him £1,200 for his whole interest, which he is to free from leases and other engagements. He assures us the timber alone is worth £700. You have a year's time to pay the principal and must pay interest till it be paid.

I shall be careful to watch affairs here in case of a difference with the French "who no doubt will stir every stone to do us a mischief."

I shall hasten over warrants for Lord Bryan and Mr. Wingfield, and hope they may be returned soon.

I have got leave from my intelligencers to inform the Lord Lieutenant on the matter contained in my letter of the 2nd and did so yesterday. *Pp.* 3½. (*Hol.*). *Endd. Ibid.* 227.

13 Dec. Dublin Castle. The Lord Lieutenant to the Same.

I enclose a memorandum on the reasons which induced the Lord Deputy and Council to send over to England recently a bill for the well ordering and true making of "cloaths" in this kingdom. "It seems that kind of manufacture is of a long continuance

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here and enforced upon His Majesty's subjects of this kingdom by many penalties and great forfeitures even of life itself. And where the exercise of that mystery is so strictly commanded, it was advisable for His Majesty's chief Governor, &c. here to take care that the same might be well ordered without detriment to the public and for the improvement of His Majesty's revenue." This is the sole object of the Act. Pray peruse the reasons and satisfy the King and Council thereon, and procure a speedy retransmission of the bill. It is of great importance to Ireland. *P.* 1. *Signed. Add. Endd. S.P. Ireland* 319, 228.

13 Dec. Dublin. ROBERT LEIGH or LYE to JOSEPH WILLIAMSON.

I could have concluded from your letter of the 29th of November that you had got the best of me and "carried off the widow clear," but that your letter of the 5th of December brags no more; and I believe you have either had some sore mortification in the height of your pride or already repented you of your good success. It seems that your business, your journeys to the country and the "gazett work" do not prevent you from doing mischief to others. When I return "I doubt not but I shall make you be as far to seek for that you make so sure of as if you had never been within ten miles of it in your life!"

Relates the presentation of an address to the Lord Lieutenant as stated in the last document but one and *proceeds*—

Yesterday my Lord Arlington's letter to my Lord Lieutenant concerning the state of affairs with France was read in the House, whereupon they unanimously declared that they would stick to His Majesty with their lives and fortunes, &c.[1], and voted the introduction of a bill granting eight entire subsidies to the King and the appointment of a committee to frame the declaration.[1]

A friend of mine wants the vacant consulship at Venice if nobody has yet been appointed. *Details. Pp.* 2. (*Hol.*). *Signed* R. Leigh. *Add. Endd. Ibid.* 229.

Same. The EARL OF ANGLESEY to the SAME.

Enclosing a request which shows how much he depends on Williamson.

P.S.—The Bill is not yet passed the House of Commons. "They have made some objections hard to be answered without a legislative power more absolute than any is here." *P.* ¼. (*Hol.*). *Add. Endd. Ibid.* 230.

Same. COLONEL RICHARD TALBOT to the SAME.

I am grateful for your care of my interests. "Notwithstanding our great bustle here about the Bill . . . it will pass and that very soon." *Details. P.* ⅔. (*Hol.*). *Endd. Ibid.* 231.

(1) *See the House of Commons Journals (Ireland)* for 12 and 13 December, 1665, for the proceedings, and for the text of the resolution.

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15 Dec. Council Chamber, Dublin

COPY of the ANSWER of the LORD LIEUTENANT and COUNCIL to the PETITION of the HOUSE of COMMONS in relation to the BILL of EXPLANATION.

We believe in the loyalty of the Commons to the Royal intentions and main scope of the Bill for securing to the adventurers, soldiers and others and their heirs and assigns two-thirds of the lands they possessed on 7 May, 1659. For their better assurance, and as we received their address in writing, we make answer in writing after the conference with His Majesty's judges and with the Privy Council.

1. On discourse with the judges we are satisfied that when the bill shall pass into law the persons entrusted under page 109 of the act will have power to redress the defects feared in the vesting clause, concerning the estates of the two-thirds being to be in fee, and concerning the variation of this bill from the former act concerning Protestants. We assure them "that the vesting clause shall be amended and explained suitable to the House of Commons their construction made thereof and their desire therein."

2. They may be assured that by amendments and explanation also to be made the lands to be settled on adventurers and soldiers and others whereof they were possessed on 7 May, 1659, shall be settled on them and their heirs respectively, and letters patents passed accordingly.

3. No Protestant who joined the rebels before 15 September, 1643, shall be enabled to enjoy the benefit of the clauses inserted in the bill for protection of Protestants.

4. We shall meet the demand in paragraph five of the petition[1] "with all possible indulgence and consideration" of the poverty of Ireland and scarcity of money.

5. The cases of Fitzgerald and Magill and the other particulars mentioned in the petition will be considered, and all reasonable satisfaction given therein.

"And upon the whole we (who are entrusted with His Majesty's counsels) knowing so well as we do his great care and earnest desire for the settlement of this kingdom, we do unanimously resolve that if any defect or obstruction shall hereafter appear in what shall be endeavoured to make good what is before expressed, we will transmit in due time such bill or bills into England as may fully effect the same." We do not and the House cannot expect but that such bills will meet with full consent and return from the King and Council in England, "and hereof we persuade them to be confident." *Two copies. Each pp.* 2 *and overwritten* (*not autograph*) *by* the Lord Lieutenant *and signed* (*same*) *by* twenty-three councillors. *Endd. S.P. Ireland* 319, 232 *and* 233.

15 Dec. At Court at Oxford.

SIGN MANUAL WARRANT to the ATTORNEY or SOLICITOR-GENERAL for the EARL OF ST. ALBANS.

Whereas the baronies of Dunluce, Cary, Glancarne [Glenarm] and Kilconway, are by the Act of Explanation settled on and

(1) Set out in *House of Commons Journals* (*Ireland*) for 11 December, 1665, and see below at 16 December, 1665.

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restored to the Marquis of Antrim or his brother Alexander Macdonnell or other persons in trust for the Marquis under certain limitations, and whereas the said act makes the said lands liable to pay certain improved quit-rents to us and our heirs, &c., over and above those which were payable in respect of such lands before 22 October, 1641 : you shall prepare a bill for our Royal signature to pass the Great Seal containing a grant to Henry, Earl of St. Albans, of all the said improved quit-rents payable to us out of any of the said lands.

Insert beneficial clauses in the grant. *Pp.* 2½. *With Sign Manual and countersignature of* Secretary Arlington. *Endd. S.P. Ireland* 319, 234.

Also two copies of same. *P.* ½, *pp.* 1¼ ; *each undated. Endd. Ibid.* 235, 236.

Also entry of same. *Pp.* 1½. *S.P. Dom. Entry Books XXII. pp.* 330-331.

16 Dec. Dublin. ROBERT LYE or LEIGH to JOSEPH WILLIAMSON.

The Commons have passed the bill for eight subsidies to be used against the French or any other of the King's enemies. This morning they received the Lord Lieutenant's answer to their petition and spent all the morning in speaking to the same. "About two of the clock it was put to question whether it should be put to the vote whether my Lord Lieutenant's said answer was satisfactory or no, upon which the House divided and it was carried by some few that it should. Then the said question being put it was carried by 21 votes that it was satisfactory. Then (it being dark) candles were called for with an intention to put it to the vote whether the bill should pass or no, but some of the members, who either being hungry or unwilling to give those that wish the bill good success so much satisfaction as to pass it immediately, risse in disorder, cried out to adjourn till Monday, and put out the candles and (between you and me) wanted very little of going to cuffs in the dark." We believe, however, the bill will pass on Monday when the House meets at nine o'clock.

P.S. – Lord Inchiquin wants to know whether the parchments he sent for the lady were received timely. Pray send me one of my Lord's seals to affix to writings. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 237.

Same. The EARL OF ORRERY to SECRETARY ARLINGTON.

On the 14th, in my chamber before good witnesses, Lord Aungier signed, sealed and perfected the agreement made with you as to his lands in the late estate of Lord "Glemelira." That matter therefore is now finally concluded. I send you a copy of the House of Commons' petition. The Lord Lieutenant delivered an answer to it which was sent to the House to-day signed by him and the Council. I have not been able to get a copy made in time for this post, but the substance of it is [*sets out* the substance of the answer given above at 15 December].

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When the House divided as to whether the answer of the Lord Lieutenant was satisfactory the Yeas were 93 and the Nays 74, amongst whom was "my very good nephew Dick Jones who was also a very forward man for the Nays." They should then have voted to pass the bill but decided to adjourn till Monday. I hope that by that time the people will cool and then they will wonder at themselves that they did not pass the bill after voting the Lord Lieutenant and Council's answer satisfactory. "There was but one member who served for Munster but was for the affirmative, and that member was a great Doubling Ordinance man." *Pp.* 2. (*Hol.*). *Endd. S.P. Ireland* 319, 238. *Enclosing*—

Copy of petition to the Lord Lieutenant of the Knights, Citizens, and Burgesses of our Parliament assembled.

See House of Commons Journals (Ireland) I., pp. 681-2, *for text. Pp.* 5½. *Endd. Ibid.* 238, 1.

Latest date 18 Dec.

NOTES of VOTES of the HOUSE of COMMONS of IRELAND.

16 December. That the Lord Lieutenant's answer is satisfactory.[1]

18 December. That the aforesaid answer be entered in the Acts, &c., of the House.[2]

Same. That a question be put for passing the Bill of Explanation.[3]

Same. That the bill pass.[4]

Same. That the Speaker and House attend his Grace to acquaint him with the votes passed upon consideration of his answer and to thank his Grace for it.[4] *Pp.* 1½. *Endd. Ibid.* 239.

18 Dec. Dublin.

The EARL OF ANGLESEY to SECRETARY ARLINGTON.

I am glad you accept my desire to serve you and do not believe that I am set against you. I shall always commit my interests to your care and protect yours. I have now the original agreement perfected by Lord Aungier in trust for you when the counterpart with your signature arrives. The Bill of Explanation is passed and I may congratulate you on a fair estate in Ireland. The bill for eight subsidies reached our House to-day from the Commons and we shall, I hope, pass it before Christmas. "I wish that season merry to your Lordship."

"Beside the Guinny ship there are two more since arrested at Waterford for Dutch, whereof one pretends himself French." *P.* 1. (*Hol.*). *Endd. Ibid.* 240.

(1) *House of Commons Journals (Ireland) I., pp* 686, col. 1, at bottom.
(2) *Ibid.*, col. 2.
(3) *Ibid.*
(4) *Ibid.*

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20 Dec. Dublin. DANIEL GAHAN to JOSEPH WILLIAMSON.

I have been away from town and hope you have had from my brother Warburton an account of affairs here. Father Patrick presents his service and particularly wants a *caveat* to be put in at your and Secretary Morrice's office that no grant pass to any person of "mad Conn. O'Rourk's estate in the county of Leitrim" till he sends you a draft from hence.

P.S.—Pray deliver enclosed to Madam Nunn. *P.* 1. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 241.

Same. The EARL OF ANGLESEY to SECRETARY ARLINGTON.

My last of the 18th, sent by Colonel Thomas Howard, told you of the deed signed by Lord Aungier being left in my hands. This is only to ask that Sir George Cartret, Sir Robert Southwell, and Sir Thomas Clarges, if they be there, or some persons known here, be witnesses when you perfect the deed. *P.* ½. (*Hol.*). *Add. Endd. Ibid.* 242.

Same. JOHN BELLEW to JOSEPH WILLIAMSON.

Sending letters for Lord Carlingford who has directed him to send them in this way. *P.* ½. *Signed. Add. Endd. Ibid.* 243.

Same. The EARL OF ORRERY to SECRETARY ARLINGTON.

The bill passed the Commons on Monday. Only Mr. Arthur Upton, of Ulster, voted against it, "but I fear there were many negatives in heart." The Bill and the Subsidies Bill are now in the Lords, and I think the Royal assent may be given to both before Saturday next. The Commissioners have much to do and we should give them as much time to do it as we can.

Had only ten of the Munster members voted against the Bill it would not have passed, and I am very glad that they all voted for it. "The truth is most of the House thought they had been so severely used by "the first acted" that they feared to leave anything doubtful in this Act. . . . . I had no little trouble to make and keep all my friends steady for the bill, but "God be thanked all the danger is now over." *Pp.* 1½. (*Hol.*). *Endd. Ibid.* 244.

21 Dec. Dublin. ROBERT LYE or LEIGH to JOSEPH WILLIAMSON.

The Bill is passed the House of Commons and that House have waited on his Grace to express their confidence in his meeting the difficulties which they see in it. His Grace made a very satisfactory answer thanking them for their confidence and assuring them that he would not fail them, but would satisfy them before any interest of his own. *Other details* as his previous letters. People are going to the country for Christmas from whence we have no news but of daily robberies committed on the road. "This very day 14 set (some eight miles off) upon a convoy of five or six of the Horse Guards, which were bringing £300 or £400 in money to town; but

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those of the Guard, being stout fellows, held them play until some of the country came in to their help, and then, throwing down the money, followed the robbers (having first killed one) so that we hope to hear to-morrow they have taken some of the rest. I am making ready my back and breast to encounter them also for I must in a day or two go where my Lord's concern lyeth which is both for robbers and convenience of doing mischief the remarkable place of Ireland." *Pp.* 1¾. (*Hol.*). *Add. Endd.:* "Mr. Leigh." *S.P. Ireland* 319, 245.

21 Dec. Dublin. The Lord Lieutenant [to Secretary Arlington].

As I find, to my regret, that the treaty between Lord Berkeley and his nephew, Sir Maurice, for the government of Connaught is "quit of," and as my approval may lead to another agreement between his lordship and Lord Kingston, I send that approval very readily. Lord Kingston is worthy of the trust, but it is important at this time that "so important a charge should be in the hands of a man of knowledge and interest in the country." *P.* 1. (*Hol.*). *Endd. Ibid.* 246.

Same. The Earl of Orrery to Same.

Six weeks ago the Lord Lieutenant asked the King to sign the letter of which I enclose a copy in Lord Roscommon's favour.

The letter has not come over, and I am asked by Lord Roscommon to move you, if it has miscarried or been mislaid, to get this one signed.

P.S.—The Bill passed the House of Lords to-day without one negative. *P.* 1. (*Hol.*). *Add. to* Secretary Arlington at Oxford. *Endd. Ibid.* 247.

Same. Extract from [the Lord Lieutenant] to the Lord Chancellor of England.

You will receive herewith copies of the petition from the House of Commons, and "mine" and the Council's answer will inform you upon what conditions they have been prevailed with to pass the bill in their House. I am not able to judge how far their apprehensions of the inefficiency of the vesting clause are reasonable. I am, however, so sure that it was intended to reserve to the adventurers two-thirds of their lands free from suits or incumbrances that I made no scruple to undertake that either it was or should be made sufficient to those ends. To perform this undertaking (whereunto I found it necessary for the King's service to enter) I know of but two ways, either a certificate of the Judges of England to the effect desired, or a supplementary bill which may in a few lines put the matter out of question. The method by the Judges' certificate is the better, because it ought abundantly to satisfy and will free the King from importunate applications from people who want provision made for them in the new bill. It is very probable that "the vesting clause had not been found so defective but with a prospect in many of the necessity thereupon of a new transmission and some advantage to themselves. However, the infirmity of that

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fundamental clause is so much rooted in the generality that less than one of these expedients will not pacify their doubts, and I do not take this to be a fit conjuncture to leave men in doubt whether any part of what they possess be secure to them or not." *Pp.* 1½. *Endd. with date in* Lane's *hand. S.P. Ireland* 319, 248.

21 Dec. Dublin. The Lord Lieutenant to Secretary Arlington.

Reviews generally his policy in securing the passage of the Explanatory Bill, as set out in foregoing documents, *and proceeds:* —I hope earnestly that a Declaration of the Judges in England may avert the necessity of transmitting a fresh bill from Ireland. Such a transmision would bring endless importunities from persons who hope to better themselves, &c. [*as in foregoing*]. I desire to know the King's views on this matter as I must know how to govern myself when I meet Parliament on or about the 15th of January.

The announcement of the French movement to support the Hollanders had the desired effect of securing the passage of the bill of subsidies, besides the carrying of a "warm declaration." *Other details.*

I ask that steps be taken if possible to free two ships laden, one at Rouen and the other at Burdeaux [Bordeaux] with "wines and other French things for my own provision." If the ships can be freed, the war will be better endured and then His Royal Highness' pass will also be necessary; but if this cannot be effected "we must try to defend ourselves with ale." *Pp.* 3, *in* Lane's *hand. Signed. Add.* "For your lop." *Endd. Ibid.* 249.

21 Dec. Dublin Castle. Same to Same.

Thomas Scott was engaged in the late plot against Dublin Castle but was so free and open in confessing, in discovering what he knew of that wicked design and in giving evidence against those who were executed for it that I thought he might well be pardoned and promised him a pardon accordingly. I did not, however, think it fit to pardon him without special letters from the King, and send the draft of a letter accordingly. Please offer it to the King for signature and return it. *P.* ¾. *Signed. Add. Endd. Ibid.* 250.

Same. Sir George Lane to [Joseph Williamson].

Details as in former letters as to the passing of the Bill of Settlement through the House of Commons. Upton, the only man who voted against it had lost all he had—being of the Marquis of Antrim's estate—and was determined to vote against it though single. The Lords passed it to-day, and also the Bill of Subsidies. The Lord Lieutenant goes to the Parliament on Saturday to give the Royal assent. His Grace desires the pass for the two ships bringing victuals for him out of France. *Details.*

I send a French translation of the Declaration made by the House of Commons on the news of the preparations in France. *Pp.* 1¼. (*Hol.*). *Add.* "For yourself." *Endd. Ibid.* 251. *Enclosing—*

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French Translation of the Declaration of the House of Commons of 13 *December*, 1665; *for which* see *House of Commons Journals* [*Ireland*] *I., p.* 683. *Pp.* 2. *Endd. S.P. Ireland* 319, 251, 1.

22 Dec. ENTRY of ORDER in the CASE of THOMAS LAWRENCE.

On the petition of Lawrence who, being bound from Youghal to Virginia, was taken by a privateer of Middleburgh to the ruin of his family, and desires "a brief for the same."

The King recommends the petitioner to the Lord Lieutenant to give orders for letters patents under the Great Seal of Ireland for a collection to be had [for Lawrence] in such way as the Lord Lieutenant thinks fit. *P.* ½. *S.P. Dom. Entry Books XVIII. p.* 193.

8 & 23 Dec. Custom House, London. COPY of ORDER by the [FARMERS of the CUSTOMS] to MR. COYTMORE, Collector of Customs at Beaumaris.

We understand that Lord Conway is to ship off a parcel of lead—about thirty-three tons—to Ireland for his own use. You shall permit it to be so shipped, taking account of its amount, and we shall give you directions how to charge it. His lordship has given an assurance to satisfy what we shall on our meeting agree upon. *P.* ½. *Conway Papers. Signed* [*not autograph*] Jo. Wolstenholme, Ni. Crispe, Jo. Shaw, *and dated* at the Custom House, London, 8 December. *Underwritten with*—

Note by Sir John Wolstenholme.

This is a copy of a letter written to Sir Peter Pindar which, if not come to you, must be executed according to the tenor and contents thereof. *Three lines. Dated* 23 December. *Signed* (*autograph*) *by* Wolstenholme. *The whole add.* to Mr. Coytmore, Collector of Customs at "Bewmaris." *Conway Papers. S.P. Ireland* 319, 252.

23 Dec. Dublin. The EARL OF ORRERY to SECRETARY ARLINGTON.

The bearer is sent over by Lord Kingston to get the King's consent to an agreement between Lord Kingston and Lord Berkely about the government of the province of Connaught. "I am a very harty and earnest solicitor" that you will favour Lord Kingston in this matter. Both in loyalty and in knowledge of the province his lordship has the highest qualifications for the post. "I will only add that no obligation you can do to your servant will be so sensible to him as that assistance now begged of you for my friend by, my dear Lord, Your own ORRERY."
P. 1. (*Hol.*). *Add. Endd. Ibid.* 253.

Same. LORD KINGSTON to the SAME.

I presume that my Lord Berkely will present to your lordship a letter from the Lord Lieutenant recommending me to be joined patentee with him in the Presidency of Connaught. I desire nothing so much as to express my gratitude to the King, and it is

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in Connaught that, in consideration of my friends and fortune, I shall best be able to serve him. "When I refuse to engage them both [and] my life in the King's service, may I and mine rot."

I have long been kindly treated by you and presume to ask your favour herein with confidence. *P.* 1. *A fulsome letter.* (*Hol.*). *Add. Endd. S.P. Ireland* 319, 254.

25 Dec. "SOME OBSERVATIONS upon the COMMODITIES of IRELAND."

The value of what we can spare, or of the redundant proceeds of cattle, amounts to above £200,000 and more than all our other exportations, and the yearly proceed of sheep (being about £100,000 or near half the former) to more than all the rest and consequently both together to above three-quarters of the whole.

"We, exporting yearly above 100,000 hides and also almost 60,000 live cattle (*boves*) have yet leather enough left for ourselves, which if computed but at about 36,000 hides there must be at least 200,000 cattle (which our stock can spare) slaughtered and exported every year, the which if we suppose to be done at five years' old, one with another, according to the present practice, there must be at least 1,000,000 head of cattle in Ireland of all ages, and the annual consumption 200,000 being to be made good with the like number bred, we may resolve this ridiculous problem:—How many calves are yearly reared in Ireland, vizt., not under 200,000, besides those we kill, which are not a few; for we send abroad yearly above 7,000 calve skins and a far greater number pucquanes.

The next sort of commodity is fish, amounting to about £25,000 a year, of which we could spare the world more had we more people shipping, nets, &c., to take them."

We could also spare more wild animals' skins if we could get them. We have horses to spare which we send abroad to a good value, "and many more which we kill as being neither worth their grass to keep nor freight and custom to send abroad, yet doubtless with a good regulation horses might prove a much better commodity for exportation and afford Ireland a considerable revenue.

We send abroad little linen cloth and less that is good, though store of linen yarn which is an imperfect sort of country manufacture, and sheweth we have more spinners than weavers." We do not export much corn as the damp climate renders our corn of little value. Yet we have enough, such as it is, of all sorts for ourselves and some to spare our neighbours. Our oaks afford us vessels in which to export our goods, and we can also export oak. Our iron is poor, and we do not export either so much or such good iron as we import.

"In general it may be observed that manufacture thrives very little in Ireland, we exporting so little wrought commodities, so much unwrought." We have so much fine wool [for] cloth shorn and on the sheeps' back and skins when exported, and so little cloth, and that of the coarsest sort too. We have much linen yarn and little linen cloth. But on the contrary we import great quantities of cloth both linen and woollen and little of stuff.

Of our exports above a half or £200,000 goes wholly to England, and half the other half goes there also.[1] Of our exports near £150,000 consists of articles of food and a little more than that consists of clothing. *Details.*[1] *P.* ¾. *Endd.* as in title. *Followed by*—

(1) *See* table below.

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25 Dec. TABLE showing the EXPORTS out of and IMPORTS into IRELAND rates of value and total values:—

Sums.			Merchandizes.	To Foreign parts.
£				
223,867	1	Cattle	Oxen, steers, &c. - -	—
			Beef, barrells - -	19,428
			Tallow, cwt. - - -	6,000
			Candles ,, - - -	782
			Hides - - - -	63,026
			Shoes, cwt. - - -	40⅜
			Calfskins - - -	4,824
			Butter, cwt. - - -	19,992
			Cheese, ,, - - -	84
10,053	2	Sheep	Sheep, alive - - -	—
			Mutton, barrells - -	45
			Tallow, cwt. - - -	442
			"Sope," ,, - - -	24
			Pelt skins - - -	360
			Wool skins - - -	—
			Lamb skins - - -	—
			Wool, cwt. - - -	—
			Cloth, yards - - -	864
			Stuff, pieces - - -	109
			Frieze, yards - - -	252,171
			,, Stockings, pairs of	614,332
			Ruggs - - - -	129
			Coverlets - - -	183
			Caddoes - - - -	26
			Flocks - - - -	—
24,107	3	Fish	Herrings, barrells - -	9,810
			Salmon, tons - - -	317
			Pilchers, tons - - -	332½
			Hake fish - - -	92,680
			Train oil, tons - -	—
20,010	4	Horses	- - - - -	41

1665.

during the twelve months ending 25 December, 1665, with their

To England.	Totals.	Rates. £ s. d.	Value. £
57,545	57,545	1 15 0	100,703
9,836	29,264	0 18 0	26,338
14,000	20,000	1 8 0	28,000
548	1,330	2 0 0	2,660
48,318	106,344	0 6 0	31,903
38⅛	43½	12 0 0	522
2,520	7,344	0 1 0	367
6,421	26,413	1 5 0	33,016
274	358	1 0 0	358
99,564	99,564	0 5 0	24,891
37	82	0 15 0	61
561	1,003	1 8 0	1,404
20¾	44¾	2 0 0	89
200,610	200,970	0 0 2	1,674
36,720	36,720	0 0 8	2,224
136,320	136,320[1]	0 0 1⅛	852
2,155¾	2,155¾	2 6 8	49,130
288	1,152	0 6 8	384
115	224	2 0 0	448
192,210	444,381	0 0 10	18,516
7,719	22,051	0 0 10	919
199	321	0 10 0	160
446	629	0 6 8	210
108	134	0 5 0	33
39	39	0 10 0	58
6,442	16,252	0 18 0	14,627
13¼	330¼	14 0 0	4,623
⅜	332½	10 0 0	3,325
86,880	178,560	0 0 0½	1,116
26⅛	26⅛	16 0 0	416
3,961	4,002	5 0 0	20,010

[1] Three copies give 136,320; and one copy 36,320.

1665.

25 Dec. TABLE showing the EXPORTS out of and IMPORTS into IRELAND rates of value and total values [*continued*]:—

Sums.			Merchandizes.	To Foreign Parts.
£				
6,285	5	Corn	Wheat, qrs. - - -	135
			Beans, ,, - - -	447
			Peas, ,, - - -	10
			Barley, ,, - - -	150
			Malt, ,, - - -	355
			Beer, tuns - - -	54½
			Oats, qrs. - - -	1,251
			Oatmeal, qrs. - - -	476½
			Rape seed, qrs. - -	475
17,970	6	Linen	Cloth, ells - - -	5,840
			Yarn, cwt. - - -	—
2,867	7	Skins	Goat skins - - -	360
			Kid ,, - - -	—
			Deer ,, - - -	—
			Fox ,, - - -	1,096
			Otter ,, - - -	138
			Coney ,, - - -	28,560
3,905	8	Hogs	Hogs - - - -	—
			Bacon, flitches - -	244
			Pork, barrells - -	224
2,384	9	Wood	Timber, tons - - -	—
			Bark, barrells - -	—
			Pipe staves - - -	15,000
			Hogshead staves - -	106,800
			Barrell staves - -	44,000
1,116	10	Iron	Iron, tons - - -	—
402,389				106,500

P. 1. *In all, pp.* 1¾. *Endd. S.P. Ireland* 319, 255.
Also one other copy of the memorandum, *p.* 1. *Ibid.* 256; and

(1) Given in the table accompanying the memorandum and in one other as here; the other two give "Foreign, 15,000; England, 30,000; total, 45,000." The results in the value column are the same; and taking pipe staves at £10 per thousand the larger estimate seems more likely to be correct.

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during the twelve months ending 25 December, 1665, with their

To England.	Totals.	Rates.	Value.
		£ s. d.	£
740	875	1 4 0	1,050
44	491	1 0 0	491
15	25	0 16 0	20
197	347	0 12 0	207
989	1,344	0 16 0	1,076
4½	58½	4 0 0	234
1,741	2,992	0 6 8	1,000
1,084½	1,561	1 0 0	1,561
171	646	1 0 0	646
5,960	11,800	0 1 0	590
3,477	3,477	5 0 0	17,385
33,300	33,660	0 0 10	1,402
7,515	7,515	0 0 3	93
87	87	0 5 0	21
1,718	2,814	0 1 6	211
162	300	0 6 8	100
74,640	103,200	0 0 2	860
1,446	1,446	0 15 0	1,084
1,016	1,260	0 10 0	630
1,028	1,252	0 15 0	2,191
190½	190½	1 0 0	190
142	142	0 6 8	47
3,000[1]	18,000	10 0 0	450
123,000[2]	229,800	4 10 0	1,034
221,300[2]	265,300	2 10 0	663
55⅘	55⅘	20 0 0	1,116
295,833			402,389

three of the table, *each p.* 1. *Endd. Ibid.* 257, 258 *and* 259.

(2) In one of the copies, that accompanying the memorandum above, these two figures are omitted.

1665.
25 Dec.

TABLE showing the NATURE, VALUE, COUNTRY of EXPORT and RATES levied on the goods imported into Ireland during the year ending Dec. 25, 1665 :—

Merchandizes.	Quantities.	Rates. £	s.	d.	Values. English.	Values. Foreign.	Total.
Tobacco, lbs.	1,817,775	0	0	9¼	26,000	44,000	70,000
Spanish wine, tuns	406¾	74	0	0	12,800	17,200	30,000
French ,, ,,	580¼	25	0	0	1,500	13,000	15,000[1]
Rhenish ,, ,,	3¾	70	0	0	190	70	260
Brandy, tuns	256¼	40	0	0	1,930	8,320	10,250
Vinegar, ,,	204	12	10	0	1,000	1,500	2,550
Sydar, ,,	29¼	15	0	0	420	20	440
Oil, ,,	13¼	40	0	0	350	180	530
Grocery	value.		—		12,790	9,581	22,372
Saltery ware	value.		—		7,630	2,527	10,157
Salt, bushels	176,395	0	2	6	6,748	15,301	22,049
Drugs	value.		—		1,480	47	1,527
Hops, cwt.	1,541¾	6	10	0	8,400	1,600	10,000
Coal, tons	24,467	0	15	0	18,350	—	18,350
Silk Manufacture	value.		—		9,850	1,789	11,639
Linen	value.		—		9,526	2,654	12,180
Soap, cwt.	802¾	2	0	0	879	726	1,605
Cotton, Wool and Yarn	165¾ cwt.	5	12	0	863	64	927
Dying Stuff	value.		—		1,114	1,358	2,472
Indicoe, lbs.	18,415	0	3	4	538	2,531	3,069
Cloath, yards	12,030	0	18	0	10,827	—	10,827
Stuff, yards	133,864	0	2	6	16,733	—	16,733
Hair Stuff, yards	9,723	0	5	0	2,430	—	2,430
Cloaths made	value.		—		1,698	—	1,698
Stockings	,,		—		5,659	—	5,659
Haberdashery of hats and small wares	,,		—		14,225	2,706	16,931
Upholsters' ware	,,		—		1,530	71	1,601
Sadlers' ware	,,		—		949	—	949
Horses, number of	286	0	6	0	1,416	—	1,416
Brass and copper	value.		—		1,260	95	1,355
Tin and pewter, cwts.	313	6	0	0	1,878	—	1,878
Lead and shot, tons	68¾	20	0	0	1,375	—	1,375
Iron, tons	413⅘	20	0	0	1,220	7,506	8,276
Iron ore, tons	995½	1	10	0	1,475	—	1,475
Iron ware	value.		—		10,976	1.261	12,237
Glass ware	,,		—		931	53	984
Earthen ware	,,		—		1,130	309	1,439
Wooden ware	,,		—		180	57	237
Deals, No.	46,560	0	0	10	1,082	858	1,940
Paper, books, &c.	value.		—		1,118	603	1,721
Totals					200,000	136,000	336,540

Two copies, each p. 1. *Endd. S.P. Ireland* 319, 260 *and* 261.

(1) *Sic.*

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27 Dec. Dublin. SIR WINSTON CHURCHILL to SECRETARY ARLINGTON.

We have had stormy weather both out of doors and within. "When the bill stuck in the birth some tried to rip it untimely out of the womb, others were as ready to assassinate it whiles but half born. In fine on Saturday last was sevenight, the humour was most virulent, the members confronting each other with swords half drawn and with words sharper than they: some being heard to say that the lands they had gotten with the hazard of their lives should not now be lost with Eye's [*sic*] and No's. In this distraction 'twas yet more dismal to see how little my Lord of Orrery could prevail, much less my Lord Anglesey, both at the same time tormented in their feet, but more in their heads, who keeping their chambers as I did my cabin in the late great storm, dreaded the effects of every wave, I mean of every vote; some whereof were so violent that in despite of all our pilots they made the bill leak (as your lordship will find by the exceptions, which I suppose your lordship will have from another hand) neither was it in the power of any man's single reputation but the Duke's only to have kept it from sinking; who by an eloquence (peculiar to himself) seemingly unconcerned, but certainly extemporary, so charmed their fears and jealousies that they that were most displeased with the bill were yet so pleased with the overtures he had made them that when it came to pass it had only one negative. On Saturday last it had the Royal assent which hath put an end to all our fears and made us merrily begin our Epinicia with that noted Cantilene *Per varios casus, per tot discrimina rerum*,[1] being confident of such a peace to be established here upon that we shall need to fear no war but what we have with Heaven, and that I hope will cease. If it please God to stop the plague, I doubt not but His Majesty will by Easter find the people of this kingdom is so good a temper and so settled a posture that they may be very considerable in his service." We shall now take your affair in hands and shall, I hope, be able to despatch it perhaps earlier than you yourself expect. *P.* ¾. *Signed. Add. Endd. S. Ireland* 319, 262.

28 Dec. Dublin. SIR GEORGE LANE to the SAME.

I send you a copy of the Act of Explanation and congratulate you on the interest which you have acquired here. *Details.* I presume Mr. Lye has, according to my desire, sent your lordship a copy of a petition presented to the House of Commons by several formerly concerned in that estate; and, for your information, I send you a copy of a petition of Alderman Vincent which he presented in the nick of our passing the bill. I moved for laying it aside and leaving the alderman to the certain provision made for him and others in his condition in lieu of their contingent estates. *Pp.* 1½. (*Hol.*). *Add.* "For your lo^p." *Endd. Ibid.* 263. *Enclosing*—

(1) Virgil, *Æneid*, I. 204.

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Copy of Petition of Alderman Thomas Vincent to the Knights, Citizens, and burgesses now assembled in Parliament, showing that:—

Petitioner, "with one of the first," advanced £2,000 as an adventurer for forfeited lands in Ireland, since which time, in the year 1656 or thereabouts, he had three thousand acres of land, rough and smooth, or thereabouts allotted and set out to him as part satisfaction of the said adventure formerly the lands of the Lord Clanmaliere in Upper and Lower Kilny Court, called Rathronfin [Rathronshin], Ballyedin, Ballyshaneduff, Ballycarrell [Ballycarroll], Poloe, Deirine-fonsine [Derryfunshion], Killmullin [Killmullen], and Ballintocher [Ballintogher], &c., in the barony of Portnehinch in Queen's County. He was in possession thereof the 9th of May, 1656, and several years before, and ever since. Your petitioner is now informed that although he has exhibited his claim to the late Court of Claims to have the said lands confirmed according to the Act of Settlement and has paid the quit-rent ever since, together with the half-year's rent, yet the foresaid lands, which formerly belonged to Lord Clanmalier, are, by the bill now before you settled on my Lord Arlington, which if passed into a law your petitioner is like to have very small satisfaction for so great a sum lent and principally for the service of the distressed Protestants of this kingdom.

He prays that his case may be considered and that he may not be ruined for his kindness to Ireland in the time of its necessity, but that he be not dispossessed until he shall be at least first reprized with lands of equal worth and purchase. P. 1. Examined by Ri. Warburton, Acting Clerk of Parliament. Endd. S.P. Ireland 319, 263, 1.

29 Dec. Dublin.

SIR WILLIAM DOMVILE to SECRETARY ARLINGTON.

I have received several intimations from my cousin Lyee [*sic*] of your lordship's desires to have me inquire into the state of those lands long since by Mr. Lerye [*sic*] put into your lordship's consideration. Indeed he was with me divers times this last term and brought several doubts and cases in law in reference to that estate. My earnest desire was that he would show me the writings themselves for (I told him) I could not judge whether that which he brought me were the true state of the case unless I had perused the deeds themselves. I did not think it pertinent, without seeing the deeds, to deliver an opinion on imaginary points of law. Mr. Leary [*sic*] promised on the 17th of last month to bring me the deeds in a few days, but I have not since seen him, nor do I find my cousin Lye [*sic*] doth well understand where he is. There is little appearance of the existence of these deeds, but if Mr. Leary produces them to me, I shall readily spend my labour to give your lordship the information.

You have heard of the passing of the Bill of Settlement and of that for eight subsidies. I wish it had been for twelve, as I humbly moved it at first when that bill was sent hence last May. But that must be made up afterwards. I took occasion a few days since to

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send to the Lord Lieutenant some suggestions as to the wisdom of looking into the strength of our inland garrisons and ports as a matter of precaution, examining the temper and condition of our officers and army, the stores in our magazines, and seeing where and how to garrison our army "as they may readily march to withstand invasions from abroad and join in suppressing insurrections if any arise at home"; also [I submitted] how by this means the army may have provisions, however much it may lack money. I find my intentions have been well accepted and had good effect.

The Lord Lieutenant and Council have written to His Royal Highness "desiring that a fitting number of ships suitable to the exigency of present affairs may be appointed to guard this kingdom by sea and coast it round for the security of our merchants from abroad; and his Grace is resolved by the middle of the next March to go in person himself a progress through the whole inland country and view all the ports and garrisons in the kingdom, and settle them in a fit condition for our safety at home, and this being done (if we prove all as good as we have declared in Parliament) I doubt not but by God's blessing His Majesty's glory and magnificence will strike a terror into the hearts of his enemies abroad and work firm peace and security amongst all His Majesty's good people at home. *Fac sic Deus.*"

I wrote, about Michaelmas last, to thank you for your many favours, but find that the letter was not delivered, but came back here enclosed in my cousin Lye's packet. I mention this in hopes that you will not argue the miscarriage of these papers to be any neglect of my duty to your lordship. *Pp.* 2. (*Hol.*). *Add. Endd. S.P. Ireland* 319, 264.

29 Dec. Council Chamber, Dublin.

COPY of PROCLAMATION of the LORD LIEUTENANT and COUNCIL.

Sets out Section 159 of the Act of Explanation for appointing Sir Edward Smith and others as Commissioners for carrying the Act of Explanation into execution *and proceeds*:—

Sir Edward Smith, Sir Edward Deering, Sir Winston Churchill, and Edward Cooke made application to us, the Lord Lieutenant, desiring that, to the end they may be better enabled to execute the powers committed to them by the Act in such a manner as may prevent any doubts or ambiguities that may in future be raised concerning the validity or invalidity of their proceedings, a commission under the Great Seal may issue to them appointing them to be Commissioners; and that they, or any three or more of them, may by the said commission have power to put in execution all and every the matters of the said act and of the former act which remain still in force, and are directed to be done by Commissioners or are not particularly entrusted to some others of the said act. We, the Lord Lieutenant, acquainted the Council with the said desire of the said persons, and we, the Council, are anxious to do all things which may assist the execution of the Act, and consequently help the settlement of the kingdom, and we are therefore anxious that the

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validity of anything done by these Commissioners should be beyond question; and therefore we resolve and agree by this our Act of Council that we, the Lord Lieutenant, will warrant the Attorney or Solicitor-General to draw up a *fiant* in due form of law for a commission to issue under the King's Great Seal appointing the said Sir Edward Smith and others Commissioners to execute the Acts of Settlement and of Explanation. *Pp.* 2½. *With copies of overwritten signature of* the Lord Lieutenant, *and of signatures of* fifteen members of the Council. *Examined by* Ma. Barry. *Pp.* 2¼. *Endd. S.P. Ireland* 319, 265.

29 Dec. COPY of CERTIFICATE by the EARL OF ANGLESEY.

In obedience to the enclosed warrant of the King, dated 15 August last, requiring me to investigate the Records of the Revenue and find out what allowance has been formerly made to the Lord Deputy or Justices of this kingdom in the absence of the Lord Lieutenant, I have made inquiries. I am satisfied by letters of *concordatum*, dated 28 March, 1640, that £6 a day has been allowed in like cases. Thomas, Earl of Ossory, continued in that office from 30 May, 1664, to 3 September, 1665, exclusive, being in all 460 days. I accordingly authorise my deputy, Sir Daniel Bellingham to pay him £2,760. *P.* ¾. *Ibid.* —. *Accompanied by*—

(1) Copy of receipt by the Earl of Ossory for the above sum, £2,760. *Certified by* Hugh Wormington, Deputy-Auditor. *P.* ¼. *Undated.*

(2) Copy of the Royal warrant mentioned in Lord Anglesey's certificate above; and of the substance indicated in the above certificate. *P.* 1. Dated at Court at Salisbury, 15 August, 1665. *The whole, pp.* 2. *Endd. Ibid.* 266.

Dec. Dublin. VISCOUNT [?] TAAFFE to JOSEPH WILLIAMSON.

I send you a paper which requires a speedy answer and is important for my father's interest. I rely chiefly on you for an early answer. *P.* ¾. (*Hol.*). *Add. Endd. generally and with note* by [Sir Nicholas Armorer] on the back *as follows*—

"My secretary. We drink thy health, Love, my Lord Taffe, and so good night goo' nigh'. Nic." *Ibid.* 267.

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ADDENDA, 1665.

26 July.[1] The KING to the LORD LIEUTENANT for the EARL OF OSSORY and OTHERS.

At Sir James Shaen's request we authorise and require you to cause one or more letters patents to be passed granting to Thomas, Earl of Ossory, Richard, Earl of Burlington and Cork, Roger, Earl of Orrery, Richard, Earl of Arran, and Robert Boyle, their heirs, &c., that they shall have the benefit of our letters under the Royal Signet bearing date 25 March, 1662, for granting several houses and lands to Sir James Shaen, his heirs, &c., for ever towards satisfaction of his adventures, arrears, and other interests in Ireland confirmed and satisfied or satisfiable by the Declaration of 30 Nov., 1660; and other concessions consistent therewith, the same according to the most favourable interpretation thereof in as full a manner as the same are granted to the said Sir James. The grant shall authorise them to hold and enjoy to them and their heirs for ever the full benefit, effects, &c. of all matters in the Act of Settlement and in any other act made for the settlement of Ireland in pursuance of the Declaration, in as full a manner as Sir James Shaen might have enjoyed them (except only what relates to the tenements and hereditaments in the half barony of Irris, and parish of Dunfiny [Doonfeeny] adjoining thereto, in co. Mayo, and the parish of Tearmon Barry, co. Roscommon). If any of the lands herein granted or mentioned to be granted have been or shall be restored to any of the former proprietors thereof, or have been or shall be otherwise disposed of by any particular clause in the said former Act or the Explanatory Act or Acts to be passed in pursuance thereof, equivalent lands, &c. adjoining the said half barony of Irris and parish of Dunfiny shall be set out to the grantees and their heirs, &c. as aforesaid. You shall also pass patents passing to the grantees so much of the forfeited unrestorable lands, &c. as they shall desire, being in every way next and most convenient to the castle and lands of Ballyneirin or Ballynerin [Ballynerrin], co. Wicklow, within the security appointed for the arrears of the '49 officers as (at the rate of ten years' purchase according as the same are now worth to be let for a lease of 21 years or three lives) will satisfy £8,758 17*s.* 5*d.* due to him, Sir James, for his personal arrears, for those of George, Earl Kildare, and Captain John Hamilton, of Saule, deceased, for their respective services in Ireland before 1649, which were provided for by the Declaration and which do or shall belong to Sir James Shaen as executor, administrator or assignee to any other commissioned officer for service in Ireland before 5 June, 1649, and as the said Sir James, &c. shall deliver in to be satisfied, vacated and cancelled, not exceeding in the whole the further sum of £8,758 17*s.* 5*d.*

Sir James shall relinquish his right, &c. to any other particular satisfaction for his said arrears in co. Kildare and in Athlone and Galway, or any other place (except one messuage in Athlone

[1] Accidentally omitted from its proper place owing to its being inserted out of place in the Signet Book; but *see above p.* 609 *and Corrigenda.*

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formerly belonging to Mr. Devenish) all which lands and premises so to be granted with the rents, issues, &c. thereout from 25 March, 1665, are to be possessed and enjoyed, &c. by the said grantees, &c. under the rents reserved in cases of a like nature. *Provided always*, and it is our further pleasure, that the said grantees shall take satisfaction in money for all the forfeited and vested lands and estates so granted or intended or mentioned to be granted to the said grantees (excepting only what is or shall be granted as aforesaid in satisfaction of arrears before 5 June, 1649) at the rate of ten years' purchase over and above all quit-rents, &c. according as the same is or may be worth to be let by lease respectively for 21 years or three lives; and that the said purchase money shall be satisfied and paid to the said grantees, &c. immediately after, and in the same manner as, satisfaction shall be made for the lapsed money of the adventurers or for Viscount Fitzhardinge's grant out of the moneys which are or shall be raised or paid by the Papists or Roman Catholic proprietors for purchasing of any confirmed lands, tenements or hereditaments for enlarging the stock for restitutions or reprizals in pursuance of the said former act, or the said or any other Explanatory Act to be passed as aforesaid, or any of them; and that after full satisfaction so made, the estate of the grantees in the same (except as before excepted) shall be and remain to the common stock for reprizals to be disposed, and be disposed of as is or shall be directed in the said Act or Acts.

You shall insert beneficial clauses and *non obstantes* in the said letters to make it effectual, we intending to confirm them in the Explanatory Bill now under consideration, &c.; and you shall insert a clause for further grants in case this grant should be discovered by the grantees to be ineffectual.

In case the persons who have appeared here as agents for the Roman Catholic proprietors, or two or more of them, together with Sir James Shaen, shall agree for any sum of money or quantity of forfeited unrestorable lands, or both, without further delay or inquiry into the value thereof so intended to be granted, then such agreement only shall be of force carried out, notwithstanding anything herein to the contrary. *Full clauses* for execution. *Pp.* 4¾. *S.P. Dom. Signet Office VI. pp.* 114-116*d.*

[16 Aug.][1] Draft of the King to the Lord Lieutenant for the Earl of Ossory.

Directing him to appoint the Earl, whose "prudent and discreet" conduct of affairs as Lord Deputy of Ireland the King approves, Lieutenant-General of all the forces in Ireland. He shall pass a commission under the Great Seal there. *P.* ⅔. *Undated. S.P. Ireland* 319, 268.

23 Sept. Salisbury. The King to the Treasurers of the Adventurers' Moneys for Sir George Lane.

Directing that the sums payable by Sir George under the Declaration and Act of Settlement in respect of lands restored to

(1) *See Dict. Nat. Biog. VIII., p.* 82.

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him thereunder, be remitted to him. They shall give him acquittance accordingly, and shall refund any part of such sums which he may have already paid. *P.* 1. *S.P. Dom. Signet Office VI. p.* 112.

About 1665. NOTE on the LIMITATIONS to be observed in restoring of OFFICERS and ADVENTURERS to their lands.

If the King decides that the officers and soldiers who have been of the army in Ireland before his restoration, and were not of it at the time of his restoration, shall have the estates set out to them by the usurped power confirmed, it will be just and reasonable that the said favour extend not to such of them as, by expressions or actions, were averse to the King's restoration, or who were disbanded for such their aversion. The benefit of confirming the estates set out to them should, according to page 18 of the Declaration, not extend to such of them as have [manifested] or shall, by any overt act provably done or to be done by them subsequently to the Restoration, manifest aversion thereto; or to such as have had any share in the plots which have been contrived since the Restoration.

The officers and soldiers who had lands set out to them in satisfaction of arrears by the late usurped powers should be limited to English measure, as the adventurers who advanced their moneys pursuant to the Act of 17 Car I. had. It was not intended to give them better satisfaction than the adventurers had. *P.* 1. *Endd.:* Dublin: Limitations on confirming officers and adventurers, &c. in the new bill *and* "For Captain Rosse." *S.P. Ireland* 319, 269.

[Same.] MEMORANDUM by SIR ROBERT BYRON on the supplies necessary to be sent to England.

States the quantities of powder, musket and pistol, ball, bundles of match, matchlock muskets, firelocks, pistols, swords for horsemen, swords for footmen, saddles, collars of bandoliers, drums and halberts which are required.

£5,000 will, as appears by the several returns of the respective governors of every garrison, be requisite to repair the King's castles, forts, citadels, bulwarks and platforms in Ireland.

There are not in all Ireland, except Dublin and Duncannon, any great guns mounted either on platforms or for field service. There should be in each province one marching train of great guns for battery and field pieces for field service. The cost of these will be £3,000.

For making up wagons, cars, carts and tumbrells necessary for a competent army and train and for providing spades and shovels, pickaxes, wheelbarrows, &c. [*details*], a sum of £1,000 is necessary.

For twelve hundred tents for soldiers and tents for officers £2,400 is necessary. *P.* 1. *Signed by* Sir Robert Byron, [Master of the Ordnance], *and endd.:* "1665, Accounts of necessary recruits of arms," &c. in Ireland. *Ibid.* 270.

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About 1665. Copy of Account by the Earl of Mount Alexander of the several annual charges for the support of the stores in Ireland amounting to £5,000 a year or thereabouts.

	£	s.	d.
The watch ammunition for the 61 foot companies is 122 barrells, and for the twelve companies of the Royal Regiment (because of their more constant duty) 36 barrells. Total 158 at £4 a barrell	632	0	0
"Exercise powder" and "powder on solemn days to be spent in vollies," takes 80 barrells	120	0	0
Watch powder for 30 troops, at one barrell per troop	120	0	0
"Exercise ammunition" and "powder on solemn days" for them	120	0	0
Spent yearly at least with the cannon in Dublin on solemn days and other occasions 100 barrells	400	0	0
Same in other forts in Ireland	320	0	0
Ball and match proportionable to the above	500	0	0
Yearly supply of muskets, pikes, swords, pistols, carbines, firelocks, collars of bandoliers, saddles and holsters	1,500	0	0
Yearly charge of wagons, pickaxes, wheelbarrows, carriages for cannon, &c., of which there are now none in store	200	0	0
Carriage of ammunition from Dublin to other places necessary	200	0	0

Pp. 1½. *Signed* (*not autograph*) Mount Alexander. *Endd.* *S.P. Ireland* 319, 271.

[Same.] Memorandum on the cost of the necessary reparations of the decays of the storehouses, platforms and carriages for the "ordinance" in the Provinces of Ireland according to the returns made by the Governors of the several forts and garrisons [this] winter.

In Leinster:—

Dublin.—

Reparations of storehouses and platforms	100	0	0
We need a shade [shed] for keeping carriage-timber and wheel-timber to be made in the King's wood-yard	80	0	0
House for inferior officers to meet [in] and attend to their duties	20	0	0
A small vault to be made for keeping and retailing small quantities of gunpowder "to prevent too frequent access to the grand magazine"	20	0	0

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As it has been thought necessary that a train, both for battery and field service, should be in readiness on all occasions in Dublin Castle, it is therefore thought fit that three batteries and eight field pieces be in readiness in the store which may be mounted and fixed [?] for service without any great charge to His Majesty; in regard there is timber for it already in the store. The charge of workmanship and the iron for shoeing, the wheels and timber, the bolts, plates, &c., will amount to - 100 0 0

Duncannon.—

For building a vault for securing the magazine there - - - - - - 100 0 0

Twelve platform carriages at £8 a piece 96 0 0

In Munster:—

Limerick.—

Repairing storehouses and platforms - 200 0 0

Providing fit carriages with timbers for new battering guns - - - - - - 50 0 0

For two [*sic*] platform carriages at £8 a piece - - - - - - - - - 96 0 0[*sic*]

List of similar charges follow, for provisions or repairs at Cork, Halbouline [Hawlbowline], Kinsale, Crookhaven, Youghal, "Enniskerkin," Waterford, Valentia, Arran, and "Buffin."

Connaught.—

List of similar charges to be incurred at Athlone (where there are to be two "battering guns"), Galway, and Sligo.

Ulster.—

Same for Carrickfergus,[1] Derry[1] and Culmore.[1] Carrickfergus to have two battering guns.

There are eighty-two pieces of cannon lying dispersed throughout Ireland where gunners are not allowed. These should be removed to places of strength. The cost of this removal will be £200.

The total sum to be spent is £4,840.

It is urged that a citadel should be built in or near Dublin for the preservation of "His Majesty's grand magazine of armes and ammunition and other utincells of war." Otherwise another convenient dwelling should be provided for the Chief Governor, and the Castle appointed for the preservation of His Majesty's magazine there.

If these repairs are not effected this summer, they will cost more hereafter. It is necessary to make good the damage done to the stores by storms in order to protect the arms, &c. from wet; and such repairs, to last till next summer, will cost £250. The late Lord Justices granted this sum "for stopping of breaches" in 1661; which are now as great as them. *Pp.* 1½. *Endd. S.P. Ireland* 319, 272.

(1) These names have partially or almost entirely perished.

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About 1665. DRAFT PROVISO in favour of JOHN, LORD KINGSTON.

Identical with Sections 107 and 108 of the Act of Explanation,[1] *except* that in the latter part of Section 108 the MS. reads, "William, Lord Viscount Dungan" and the text in the Statute Book reads "William, Lord Viscount Dungannon." *P.* 1, *underwritten with* brief note of recommendation by Sir Heneage Finch. *Endd. S.P. Ireland* 319, 273.

Same. MEMORANDUM on the proposals of the ADVENTURERS and SOLDIERS [in relation to the Act of Settlement].

[They propose] that 400,000 acres be set apart for the nominees. This proportion to be made good by the English, they having in lieu thereof the following benefits and advantages:—

1. The lands belonging to Nuncio-men in Connaught valued at	150,000 acres
2. Lands undisposed of by the Act of Settlement now in the King's hands	95,000 ,,
3. Restored in letters unwarranted by the Act and undecreed	110,000 ,,
4. Lands set out for English arrears [and] undecreed	20,000 ,,
5. Out of several grants	25,000 ,,
	400,000 ,,

Or else the Irish to supply to nominees 400,000 acres and to take to themselves the advantage of these five heads.

The English demand also the benefits of these further inquiries.

1. Decrees for more than was claimed.
2. Decrees drawn up for more than was allowed by the Commissioners.
3. The double penalty allowed by the Act where more lands have been claimed than the claimants were possessed of or entitled to on October 23, 1641.
4. Such decree or decrees as by the King's appointment shall be reviewed and afterwards reversed.
5. All other lands undecreed and undisposed.

Out of which they will satisfy the Bishop's augmentations, "the Globes" [Glebes], the Duke of York's proviso, Dublin College, Duncannon fort and the Hospital.

Or the Irish to satisfy these interests and take the five last heads.

In all other points the Irish decrees to be confirmed; and in all lands not decreed away the English to be discharged of all entails, remainders and encumbrances.

In short the English by this do not part with one acre of their own possessions, but on the contrary would take almost the whole of the lands in the hands of the Irish which are confirmed to them by the Declaration, Instructions and Act. Moreover the English

[1] *Statutes of Ireland III.*, 68-69.

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would clandestinely secure to themselves near one million of acres now in their possession to which they have no right, which, on a fair trial of every person's qualification and title before indifferent judges, would fully appear. Besides this will debar the Irish from further claiming of innocencies and deprive them of above 500,000 acres which they ought by the Act, to be satisfied and reprised; and yet not one acre for restoring any nominee; "and yet would extend their charity so far, but at the charge and ruin of others, to augment Bishoprics, increase globes [glebes?], erect colleges and endow hospitals!" *Two copies. Pp.* 3, *endd.*; *and pp.* 2, *endd.* The latter part of the second copy is apparently written in Colonel Richard Talbot's [?] hand. *S.P. Ireland* 319, 274 *and* 275.

Also copy of portion of same, but without the final and critical paragraph. *Pp.* 1½. *Ibid.* 276.

About 1665. MEMORANDUM of ANSWER to the Proposal of 400,000 acres to be set apart for the Nominees.

The proportion will not satisfy the ends of the Declaration and Instructions and is therefore not equal.

That it is not equal and cannot perform the ends of the King's Declaration will easily appear when that proportion shall be compared with the several ends of the Declaration yet unperformed which hereafter ensue:—

	acres.
Due to persons dispossessed by the decrees given for the Earl of Clanricarde, Viscount Costello and Earl of Inchiquin - - - - - - - - - - - -	167,000
Due to persons who had decrees at Athlone for lands in Connaught and had not lands pursuant thereunto according the Declaration and Act of Settlement - -	156,000
Due to persons who were ancient proprietors and have been adjudged innocent by the Court of Claims since the Restoration, but have had no benefit of such adjudication in regard the present possessors of their estates were transplanted persons in Connaught and Clare, who, by the Declaration, were not to be removed till reprised - - - - - - - - - -	47,000
Due to those decreed innocent who were not restored *in specie* to their houses in corporations, but were to have reprisals for them by estimate - - - - -	100,000
There are great numbers *quo ad hoc* whose innocency cannot be divided and are not yet restored to their estates amounting to - - - - - - - - - -	100,000

It thus appears that 400,000 acres, even if set free, would not suffice, by 170,000, to fulfil the promises made by the Declaration and Act of Settlement; and yet leave nothing to satisfy the other ends of the King's Declaration.

Some other ends of the Declaration yet unperformed, compared with the said proportion, will further manifest its inequality.

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There are yet several persons of the thirty-six to whom the King intended to give a special favour, and others who have suffered eminently for their adhering to the King's authority against the Nuncio, which are not restored, and that proportion will not be sufficient to restore them.

Besides that; not an acre will remain to restore the several innocents yet unheard, and especially the innocents postponed for taking land in Connaught, who had not one day's opportunity to be heard; yet by the King's Declaration they were to be restored to their former estates on proof of their innocency. Where will then anything remain to restore any who served under the Royal ensigns abroad or any of those who constantly adhered to the peace of 1648[-9]? These points show how inadequate the proposal is.

The proposal moreover does not say where the lands set apart are to be; and it is possible that they may prove to be in such counties as ten acres of them are not of the value of a single acre of the land which the innocents and nominees formerly possessed.

Besides that, such persons of the ancient nobility and gentry to whom His Majesty intended a special favour by the said Act of Settlement may happen by such an indefinite proposal to be deprived of their ancient estates and habitations, though the Act of Settlement and Declaration intended that they should be restored thereto. But this observation may be passed by seeing the proposal doth not come near what may answer their restitution.

Not only is the proportion offered unjust and uncertain for answering the ends of the Declaration, but the ways prescribed for ascertaining the same are contrary to the King's Declaration and Act of Settlement.

1. Where it is said that the lands belonging to Nuncio men in Connaught are valued at 150,000 acres—

It is evident by the King's Declaration that those who took lands in Connaught (if they were not innocent) should be concluded and barred by such their acceptance from being restored to their former estates; but there is no such qualification in the said Declaration or in the Act of Settlement by which that land in Connaught should be taken from them.

2. Where it is said "restored in letters unwarranted by the Act and undecreed"—

It is evident by the Declaration, which is the foundation of the Act of Settlement, that whatsoever person or persons within the qualifications of the Declaration should find any part of his or their estate not disposed of, such person or persons, his or their heirs or assignees, should be respectively restored thereto.

It cannot be just that any person having that qualification should be removed except on examination he may be found disqualified on other grounds.

3. As to what concerns lands set out for English arrears and undecreed—

It is evident that those remain as lands undisposed, being never confirmed by the Declaration or Act of Settlement.

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4. As to the demand of the benefit of further inquiries mentioned in the proposal which beginneth with decrees for more than was claimed and decrees drawn up for more than was allowed by the Court, it cannot be held just or reasonable that the freehold of any innocents who obtained decrees should fall under a discussion without making those concerned parties to that inquiry; besides that inquiry seems to be such that there is no ground for it, considering the learning, care and integrity of those who made the said decrees.

5. As to the double penalty mentioned in the third branch of the said inquiries—

There is no ground for such a suggestion, or, if there were, the parties interested should be called to make answer. If such forfeitures were strictly inquired into, the adventurers and soldiers have long since forfeited their whole interest by their failure to make the payments prescribed by the Act of Settlement.

6. As to the branch of the inquiry which concerns the reviewing of decrees—

These decrees were made final by the Act of Settlement; and the King should not review them.

7. As for the Bishops augmentations, endowing of glebes and endowing Colleges or founding hospitals, if the King think fit to pass a clause or bill of resumption of all lands alienated, disposed or granted from the Church or other pious uses since the first year of King James, either absolutely or at under rates, and that the same, with the present revenues in that kingdom, may (by the advice of Commissioners to be appointed by the King, or a Committee of both Houses of Parliament) be improved to the best advantage, the Roman Catholics will contribute with His Majesty's Protestant subjects in that kingdom to make such further augmentations or increase of a revenue for them as shall be thought reasonable and competent, which, as it is conceived, is a more just proposal than one which grounds its charity on the charge and ruin of others.

9. As for the Duke of York's proviso; there was more certainty for satisfying the same in a former proposal than in this now offered.

Amongst all the proposals lately made, wherein the English offered to part with a third part, the present seemed most remote from an accommodation. The proposers make no offer to part with anything in their possession, but would "ravell into matters already settled" and take from the former proprietors what they have by the Declaration, whereby the proposers might avoid those qualifications and advantages they are liable to by the Declaration and Act of Settlement, "and in consequence hedge in a great number of acres now in their possession," which they would otherwise lose upon a fair trial. Such a trial would show how much is possessed for English arrears, under the doubling ordinance, by opposers of the King's restoration, by persons holding profitable lands as unprofitable, by concealment, false admeasurement, double satisfaction for English acres, plantation acres, fraudulent

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conveyances, unjust possessions, counterfeit or forged debentures, false and undue certificates, under-satisfactions, private grants from the usurper, estates of non-claimants, halbertiers, excepted persons and late plotters, and as profits of unconfirmed lands for ten years past.

If therefore it is not thought fit to proceed with the proposal formerly read and considered of, where[by] 1,600,000 acres were to be made out to the adventurers and soldiers for their satisfaction, and the other proposals in that paper be not approved or [the proposal] that the two-thirds or English acre for Irish measure be the rule for a settlement as formerly offered; [it is asked]:—

That, seeing your Majesty's intention in the Declaration was fully manifested for restoring all innocents, further time be allowed them to prosecute their just claims.

That all other qualifications and instructions that concern the other interests in your Majesty's Declaration may be examined, and the several pretended interests be settled or disallowed according to the tenor of the said Declaration and all other matters, provisoes and grants which render the said Declaration unpracticable and hinder the performance thereof be laid by and avoided; for your Majesty expresses in page 58 of the Act of Settlement that you look upon the said Declaration as the positive and fundamental rule for the settlement of your kingdom of Ireland, and the Irish Parliament express their satisfaction with the Declaration in the ensuing words:—

Text of resolution follows expressing the approval by Parliament of the Declaration and Instructions and appealing to the Crown to execute them.

This is humbly offered in answer to the proposal of the 400,000 acres for nominees; but understanding that there are other proposals in behalf of the adventurers and soldiers (who are the greatest and most considerable new interests in Ireland provided for by the Declaration, Instructions and Act) whereby they are willing to accept two-third parts of what is due to them for adventures or arrears for service in Ireland, which agrees with the explanation of the proposal of the 1,600,000 acres, and conceiving it unreasonable for any other new interest provided for by the Declaration to expect to be in a better condition than they, we hope that the King will not permit the claims or interests of any not provided for by the Declaration to stand in competition with or obstruct the general settlement which is in so fair a way of composure.

So if the other proposals made with that of the 1,600,000 acres be proceeded upon and determined without including or confirming any encroachment on His Majesty's Declaration (much less the proviso or particular pretensions of any private person) whereby the same is rendered impracticable, a happy settlement may be speedily

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produced to the general satisfaction of all moderate and well meaning persons provided for by the said Declaration. *Pp.* 7. *Endd. as in heading. S.P. Ireland* 319, 277.

MEMORANDUM entitled "The proper STOCK for REPRISALS."

The stock consists of—

The lands of the unrestorable Irish.

Those of such as were not of the army at the time of the King's restoration.

The lands possessed by virtue of [the] Doubling Ordinance.

The lands enjoyed by false admeasurements, concealments, briberies, forgeries, &c.

The lands possessed by such officers as forsook his Majesty's service and betrayed the garrisons of Munster and Connaught, and consequently the kingdom, into the usurper's hands.

The lands which shall be thought fit for adventurers and soldiers to part with of their proportions to secure the rest.

The lands possessed by the plotters and contrivers of the late plot.

The lands possessed by purchasers of debentures from adventurers and soldiers, and from the transplanted in Connaught, over and above what will amount to the very sum really laid out by them.

The lands enjoyed under colour of English arrears or grants made by His Majesty

The lands enjoyed by such as furnished the army with provisions, &c., before '44, they being postponed by the Act of Settlement to all other interests provided for by the said Act.

For so long time as the restorable Irish have been kept out of their estates since His Majesty's happy restoration, and for such further time as they shall be kept out, the adventurers and soldiers to pay the mean profits of their estates, including therein what is to be paid by the Act of Settlement over and above the issues and profits of the lands which they hold by false admeasurements, concealments, &c.; at least so much thereof as the lands possessed by them yielded yearly over and above 10 per cent. for the moneys laid out by them to add to the stock. *P.* 1. *Endd. Ibid.* 278.

DRAFT of the KING to the LORD LIEUTENANT for JAMES HAMILTON.

Refers to the grant to Hamilton, who is one of the Grooms of the King's Bedchamber, dated 27 April, 1665,[1] and states that he has had no benefit thereof because the lands out of which the sum given him was to come have since been parted with by the Crown. Directs that he be granted the sum of £ , out of such sums as shall be raised and paid in to the Crown by its Roman Catholic subjects pursuant to the Act for the Settlement

(1) *Above p.* 575.

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of Ireland or the bill now transmitted to Ireland touching the said settlement. The £ to be paid out of the first and readiest moneys which come in in this way. *Pp.* 1$\frac{1}{10}$, *with corrections in the* Earl of Anglesey's [?] *hand. Endd. S.P. Ireland* 319, 279.

DRAFT of the KING to the LORD LIEUTENANT for PHELEMY MAGENIS.

In reward of Magenis' services we, by letters patents dated 18 April, 1664, confirmed to Phelemy and his heirs the towns and lands of Castlewellan and other lands whereof his late deceased father was seized or reported seized or possessed on October 23, 1641.

In spite of our letters and of the fact that Phelemy was adjudged innocent and, by the decree of the late Court of Claims, restored to his estate, he is now "sued and troubled in the Court of Exchequer in Ireland upon an information of intrusion on our possession and for the mean rates of the said town and lands exhibited against him by our Attorney-General in Ireland. "We order that no further prosecutions be made on the said information and that the Attorney-General there enter a *non vult ulterius prosequi* thereupon. You shall vacate any judgment made thereon, and Phelemy shall be "forthwith restored to the premises *una cum exitibus* and our hands amoved thereof," we being anxious to secure his estate to him and his heirs. *P.* $\frac{1}{2}$, *with list* of townlands appended as follows:—

Castlewellan.
Ballinealarihill *alias* Balliclarahill [Clarkhill].
Ballineghenaghie.
Ballingreghan.
Balliletrom.
Ballimagherie sigeo [Magheramayo].
Ballinedromon.
Ballivenrae.
Ballinenene.
Ballinacladerry.
Ballinaboyle *alias* Ballileticke.
Ballinegananegh [?] with the appurtenances.[1]

Ibid. 280.

END OF S.P. IRELAND 319.

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(1) *See above p.* 361 *and* 373.

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